

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCES * DEPUTY ZONING COMMISSIONER
W/S Rossville Blvd., 130' NW of * OF BALTIMORE COUNTY
the c/l of Franklin Square Dr. *
(Ridge Road Medical Office Bldg.) *
14th Election District *
6th Councilmanic District * Case No. 90-328-SPHXA
Youssef A. Youssef, MD *
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve a variance to Section 203.4.C.7 of the B.C.Z.R. to permit a lot in excess of 1.0 acre in an R.O. zone not located on a principal arterial and adjacent to residentially used or zoned frontage, and to determine if perimeter bay dividers and bay ends qualify as interior amenity open space on lots in excess of 15,000 sq.ft. and which require more than 15 parking spaces. Petitioner also requests a special exception to permit a Class B office building on proposed Lots A, B and C of the subject property, and variances as follows: 1) from Section 203.4.C.2 to permit a building height of 40 feet in lieu of the maximum permitted 35 feet; 2) from Section 203.4.C.7 to permit a lot size of approximately 1.043 acres for proposed Lot A, a lot size of approximately 1.053 acres for proposed Lot B, and a lot size of approximately 1.204 acres for proposed Lot C, all in lieu of the maximum permitted lot size of 1.0 acres; 3) from Section 203.3.C.1 to permit a free-standing sign with a surface area of not more than 15 sq.ft. per side to be located on a site which is adjacent to residentially zoned frontage on a non-principal arterial roadway; 4) from Section 203.4.C.8(c)(1) to permit a landscape buffer along a residentially zoned street of 10 feet in lieu of the required 20 feet; 5) from Section 203.4.C.8(a) to eliminate the requirement for screening by an opaque fence, wall or berm; 6) from

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would create a hardship and practical difficulty due to the unique characteristics of the shape of the lot. Mr. Gavrelis testified that he believed the spirit and intent of this regulation would be met.

Petitioners also requested a variance from Section 203.4.C.8(a) to eliminate the requirement of screening the parking area via an opaque wall, fence or berm. Testimony indicated that the parking area to the south is bordered by a 40-foot wide use-in-common easement which is improved with a roadway to serve the Evangel Temple of God property. Petitioners testified that they will be providing extensive landscaping which together with the existing woodlands will provide the type and extent of screening contemplated by this regulation.

Petitioners also request permission to install one freestanding, illuminated sign in the area depicted in Petitioner's Exhibit 1 in lieu of the permitted sign set forth in Section 203.3.C.1. In support of Petitioner's request, Mr. Gavrelis described the topography of the subject site along Rossville Boulevard and the traffic patterns through the area. Petitioners contend the proposed sign is necessary to provide adequate notice to visitors of the subject medical offices. Testimony indicated the granting of the variance will not create any detriment to the health, safety or general welfare of the surrounding community and that the actual lettering or message portion of the sign will not exceed 5 sq.ft. per side.

Mr. Gavrelis testified he has examined Petitioner's Exhibit 1, the subject site and surrounding area, and the requirements for approval of the special exception use, pursuant to Section 502.1 of the B.C.Z.R. He testified that in his opinion, the proposed medical office buildings will increase the quality of health care and related facilities available in the area and would not be detrimental to the health, safety or general

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Section 409.3 to permit direct access parking on a principal access travelway and within a parking lot; 7) from Section 203.3.A.2(a) to permit 100% of the adjusted floor area of the proposed office building to be occupied by medical offices in lieu of the maximum 25% permitted; and, if the special hearing determines that perimeter bay dividers and bay ends do not qualify as interior amenity open space, a variance from Section 204.4.C.6 to permit 774 sq.ft. (or 3%) of amenity open space (AOS) in lieu of the required 1,597 sq.ft. for proposed Lot A; 1,620 sq.ft. (or 6%) of AOS in lieu of the 1819 sq.ft. required for proposed Lot B; and 648 sq.ft. of AOS in lieu of the 1483 sq.ft. required for proposed Lot C, all within the interior of the respective, proposed parking lots. The relief requested in the aforementioned Petitions is more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petition were Gordon D. Frank, Randy M. Sovich, Registered Architect, and George E. Gavrelis, Land Planning Consultant with Daft-McCune-Walker, Inc. There were no Protestants.

Testimony indicated that the subject property consists of 3.29 acres zoned R.O. and is located on the west side of Ridge Road across from the Franklin Square Hospital medical complex and Essex Community College. The subject property is bordered on the south and west sides by land zoned D.R. 3.5 and on which the Evangel Temple of God is presently completing the construction of a large building for worship and associated parking as depicted in Petitioner's Exhibit 2.

Testimony indicated that the subject property was zoned R.O. in the 1984 comprehensive zoning process. Petitioner has presented two alter-

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welfare of the community. He testified that access to and from the site from Ridge Road, which runs parallel to Rossville Boulevard, is adequate for the proposed use and would not create traffic problems. He testified that Ridge Road functions as a service road that intersects Rossville Boulevard at a single controlled intersection. In Mr. Gavrelis' opinion, the proposed medical office buildings will not create traffic congestion, hazards, overcrowding of land or undue concentration of population, nor would they interfere with adequate light or air. Mr. Gavrelis' testimony in conjunction with that of the Petitioners indicated that the proposed development would comply with the requirements of Section 502.1 of the zoning regulations.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing regarding a variance to Section 203.4.C.7 were not granted. As found in previous zoning Case No. 90-327-SPH, the Zoning Commissioner is empowered with the authority to grant height and area variances, pursuant to Section 307.1 of the B.C.Z.R. Unless specifically instructed otherwise by legislation, area variances as compared to use variances are permitted. Use variances are not permitted in Baltimore County. The Maryland Court of Special Appeals addressed the distinction between area and use variances in the Case of Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). Clearly, in the instant Petition the relief sought is not to use the property for a use other than that prescribed by the zoning ordinances for R.O. zones. Class B office buildings are uses permitted by special exception in R.O. zones. Petitioner is requesting permission to build a Class B office building on a lot size greater than one acre.

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native plans for the proposed development of a medical office building on the subject property which he purchased in November, 1988. Alternative Plan 1 as set forth in Case No. 90-327-SPH, is a one structure, one lot medical office building. Alternative Plan 2 is that which is being presented herein, and consists of a three building, three lot concept which was submitted for review and approved by the County Review Group (CRG) in October, 1989. As part of the CRG approval, Petitioner was apprised of and acknowledged the requirement of cross-easements with access through and among the three proposed lots as well as provisions for the required parking to support the proposed medical office complex.

Testimony indicated that the subject property is located within the Eastern Regional Medical Health Care service area of Baltimore County. Dr. Youssef has hospital privileges and conducts a substantial part of his practice at Franklin Square Hospital which is across the street from the subject property. Dr. Youssef testified that he has spoken with other physicians and made inquiries of realtors and leasing agents regarding the demand for new office space in this area of the County near the Franklin Square Hospital medical complex. He testified that based upon his investigation, he believes there is a demand for additional medical office space. Testimony presented indicated that in Dr. Youssef's opinion, the proposed office building will help satisfy existing demands, complement the existing major hospital facilities, and enable medical professionals to deliver health care services in a more orderly, timely manner than if forced to locate their offices greater distances away from the hospital and additional medical facilities.

Testimony presented by Mr. Sovich indicated that his firm had prepared the building elevations and footprints which formed the basis of

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There is ample precedent in cases before the Zoning Commissioner and heard by the appellate level which support finding the relief requested is an area regulation, and thus can be variances. See Palint v. County Board of Appeals of Baltimore County, Case No. 82-M-201, Honorable J. William Hinkel for the Circuit Court of Baltimore County. See also In Re: Mark S. Blank, et ux, Case No. 89-554-SPHXA.

In consideration of the above, the pertinent case law, the B.C.Z.R., and the testimony and evidence presented herein, it is the opinion of the Deputy Zoning Commissioner that the acreage limitations imposed in Section 203.4.C.7 of the B.C.Z.R. can be variances and the Petition for Special Hearing regarding same should be granted.

With respect to the request for a determination that perimeter bay dividers and bay ends qualify as interior amenity open space on lots in excess of 15,000 sq.ft. and which require more than 15 parking spaces, the requested special hearing should be denied. However, it has been established that the requirements from which the Petitioner seeks relief under Petitioner's requested Variance Petition is appropriate.

It is clear that the B.C.Z.R. permits the use proposed in a R.O. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

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the proposed site development. Mr. Sovich testified that the 13.4" floor heights were necessary to accommodate structural beams, mechanical and air handling space thereby necessitating the requested height variance of 40 feet in lieu of the maximum permitted 35 feet for the three story office building. In response to the Office of Planning's comments regarding peaked roofs, Mr. Sovich testified that the predominate roof lines of the of the proposed adjoining medical buildings were flat. He questioned whether placing peaked roofs on buildings of the size proposed would give the residential appearance suggested by Planning.

Mr. Gavrelis testified he believed that the purpose of amenity open space as set forth in Section 203.4.C.6 is to provide a pleasant and agreeable space or amenity to break up masses of paving. In Mr. Gavrelis' opinion, the proposed parking bay dividers and bay ends function as interior amenity open space within the spirit and intent of the B.C.Z.R. He testified the amenity open space area shall be pervious land area in association with plantings and the bay dividers, if found not to qualify as amenity open space pursuant to Section 203.4.C.6, should be considered as furthering the spirit and intent of said Section and a variance granted accordingly.

Testimony indicated that Petitioners seek to provide a 10-foot buffer adjacent to Ridge Road in lieu of the 20-foot buffer required by Section 203.4.C.8(c)(1). The buffer area shown on Petitioner's Exhibit 1 is 10 feet wide at its most narrow point. Petitioners contend that the uses east of Ridge Road across from the subject site are institutional uses existing within a residential zone. Petitioners further contend that the granting of this variance will not create any detriment to the health, safety or general welfare of the community. To require strict compliance

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The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1972). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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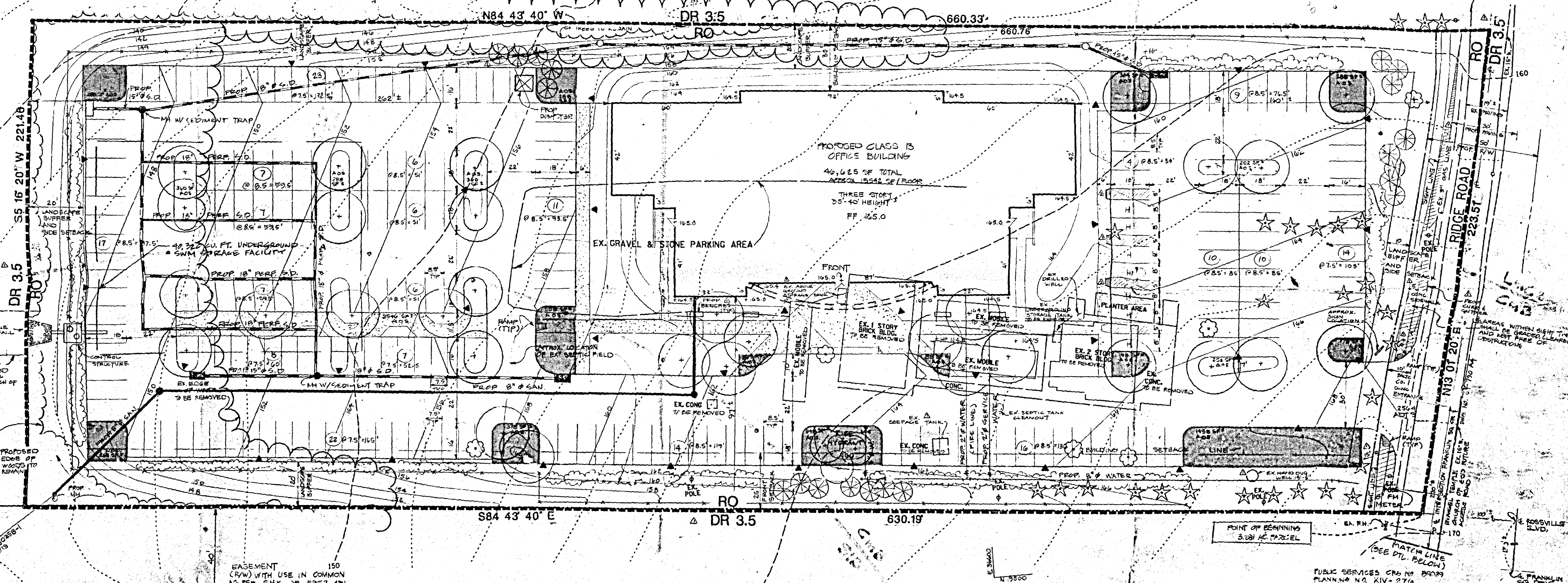
- 8 -

- Variances Requested:
- From:
- A. BCUR Section 203.4.C.2 to permit a 40 foot maximum height of structures in lieu of the permitted 35 foot maximum;
- B. BCUR Section 203.3.C.1 to permit a free-standing sign with a surface area of not more than 15 square feet per side on a site which is adjacent to residentially zoned frontage on a non-principal arterial roadway;
- C. BCUR Section 202.4.C.4.(c)(1) to permit a 10 foot landscape buffer along a residentially zoned street in lieu of the 20 foot requirement;
- D. BCUR Section 203.3.B.2(a) to permit 100% of the adjusted floor area of the proposed office buildings to be occupied by medical offices in lieu of the 25% permitted; and

PRIVACY FOR SPECIAL HEARING

To determine whether or not the Zoning Commission and/or Hearing Zoning Commissioner has the authority to approve for an existing 3.28 acre, more or less, lot sowed R-O, a single building containing approximately 5,623 square feet (0.33 FAR) by way of variance to BCR Section 203.4.C.7, subject to the approval of the required Special Reception and other applicable ordinances and subject to an approved CDE plan.

To determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner has the authority to approve, by way of variance to BZC Section A23.4.6.7, a maximum lot size in excess of 1.0 acre or a lot not located on a principal arterial highway, for a residential use of 15,000 square feet or less, adjacent to residentially zoned areas, and if so, to determine if perimeter bay dividers and bay ends qualify as interior twenty open space on lots in excess of 15,000 square feet and which require more than 15 parking spaces.



EVANGE. TEMPLE CHURCH
OF GOD
7000 RIDGE RD.
6546 / 366
USE: CHURCH
8-00-010638

AMENITY - OPEN SPACE
TO BE DETERMINED BY
SPECIAL MEETING

PROP. MAJ. DECID. TREE

PROP. MINOR DECID. TREE

PROP. EVERGREEN TREE

PROP. SHRUB SCREEN

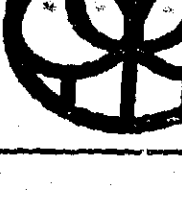

EX. TREES TO REMAIN

EX. TREES TO BE REMOVED

PROP. 5' HIGH "OPaque"
PENCE SCREEN

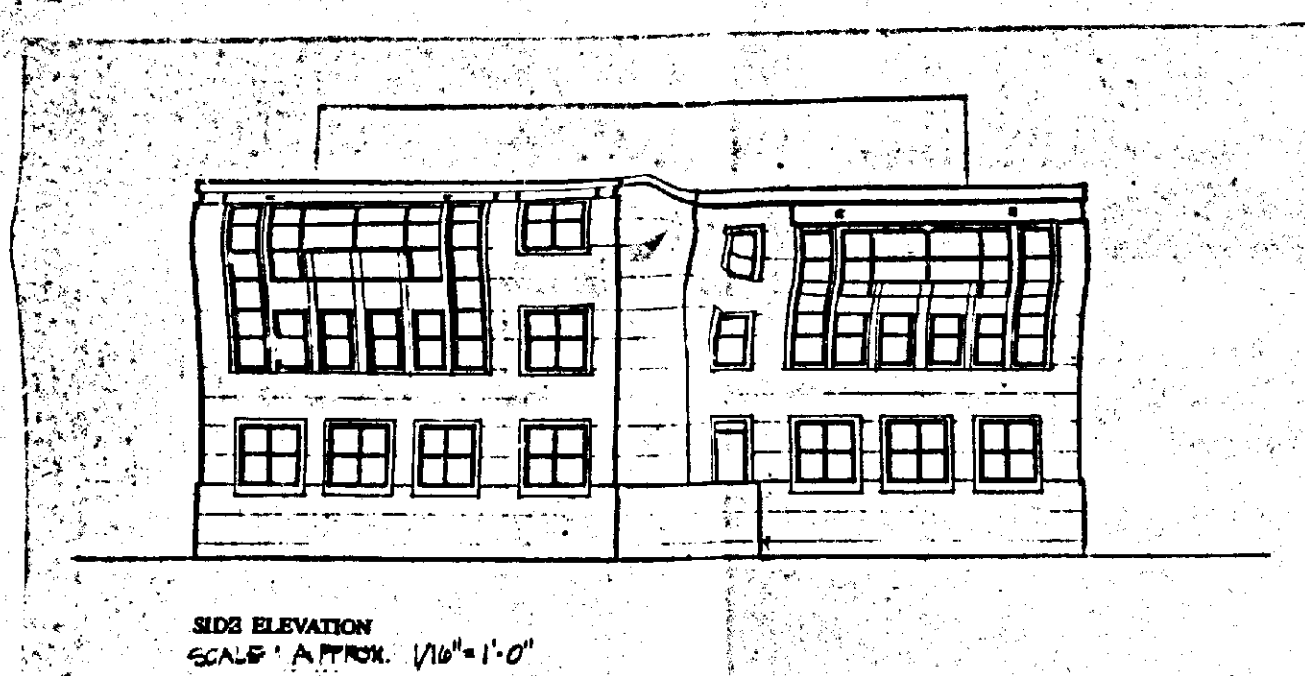
PROP. 15' HIGH LIGHT REFR.

#188

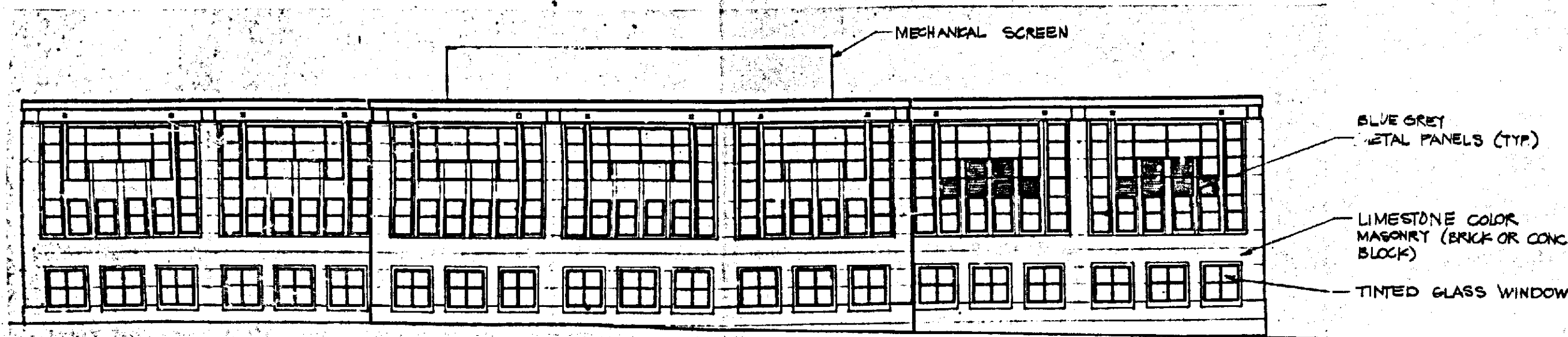
	DAFT MACHINE WALKER INC. 1420 PLANNING CONSULTANTS 1400 NORTH ENGINEERS SURVEYORS 700 EAST PENNSYLVANIA AVENUE PITTSBURGH, PENNSYLVANIA TELEPHONE 321-296-5333
<p>ALTERNATIVE 'A'</p> <p>RIDGE ROAD MEDICAL</p> <p>OFFICE BUILDING</p> <p>PLAN AND PEAT 188</p> <p>TO ACCOMPANY ZONING PETITION</p> <p style="font-size: 1.5em; font-weight: bold; text-decoration: underline;">90-328-5PA/A</p>	
	<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p><i>Plan by Sullivan</i></p> </div> <div style="width: 35%; text-align: right;"> <p>SCALE:</p> <p>1" = 20'</p> <p>JOB ORDER NO.</p> <p style="font-size: 1.5em; font-weight: bold;">88083A</p> <p>ISSUE DATE</p> <p>12-6-89</p> </div> </div>
<p>DATE</p>	<p>REVISIONS</p>



FRONT ELEVATION
SCALE: APPROX. 1/8"=1'-0"

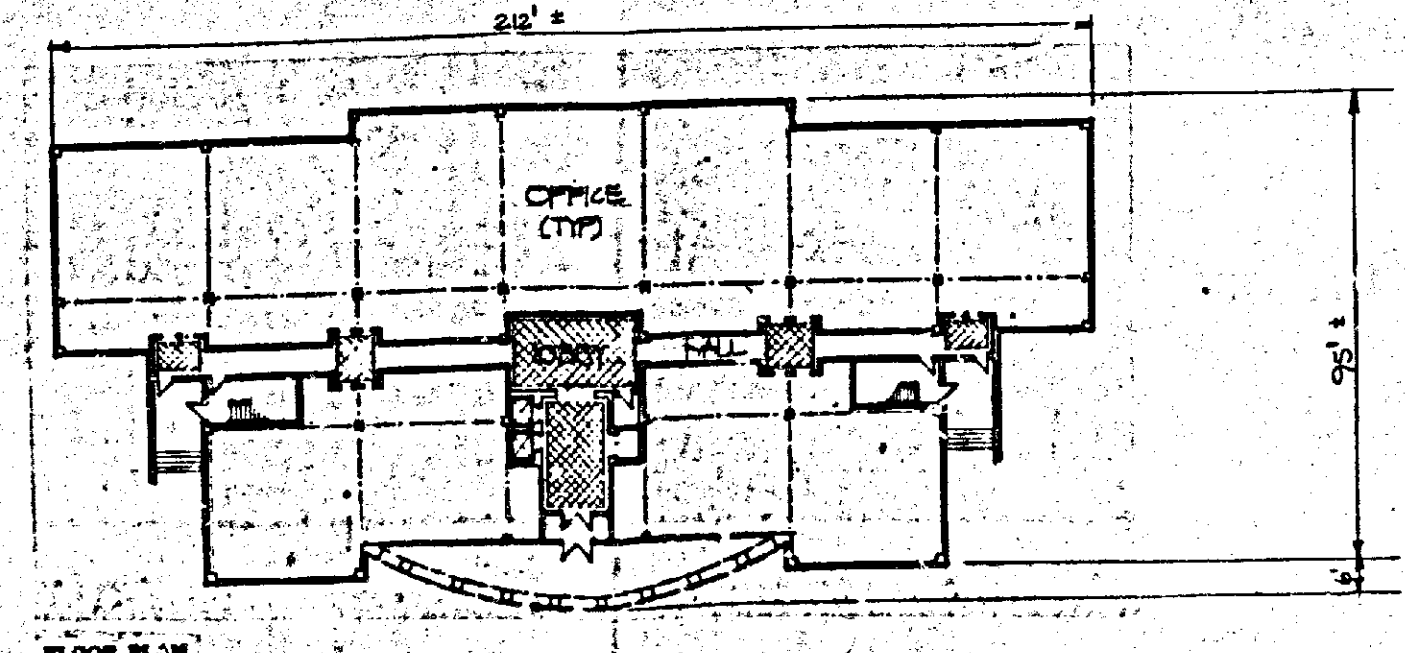
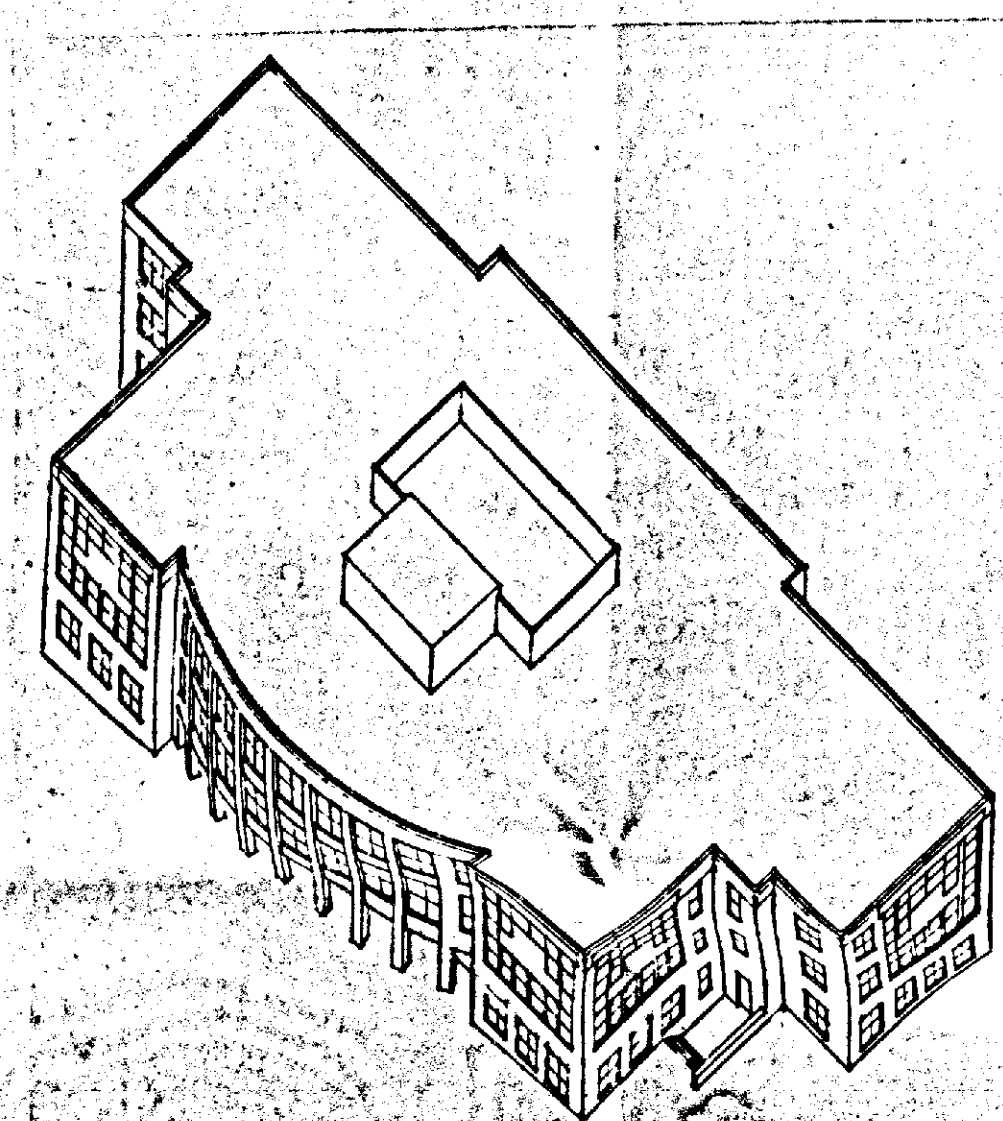


SIDE ELEVATION
SCALE: APPROX. 1/16"=1'-0"

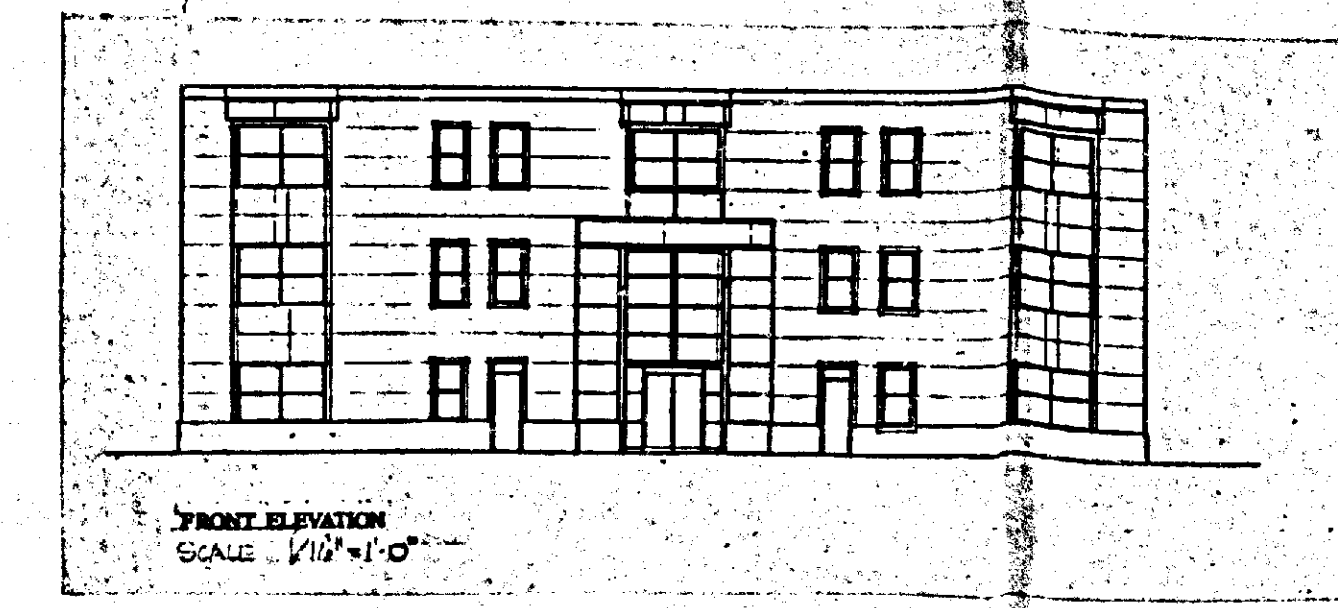


REAR ELEVATION
SCALE: APPROX. 1/16"=1'-0"

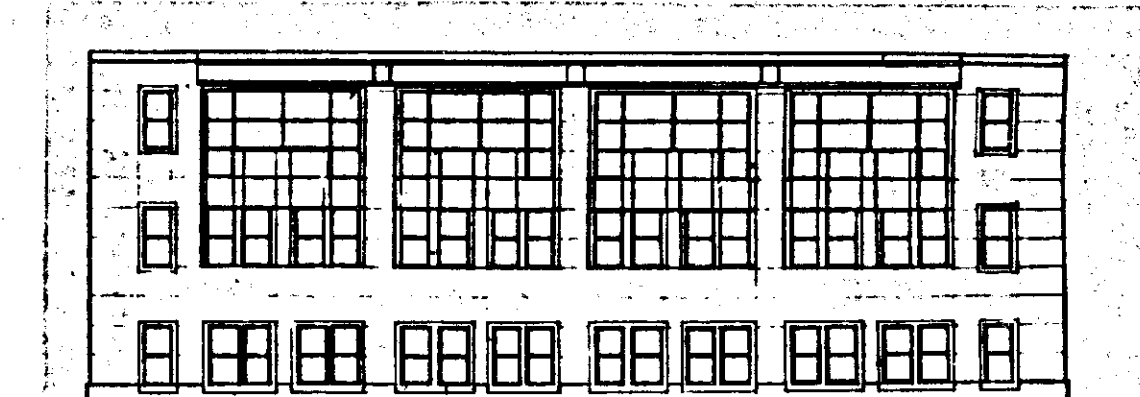
ALTERNATE A



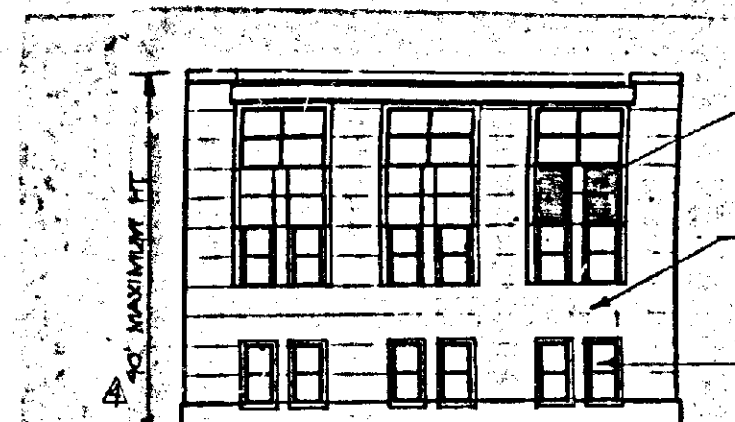
FLOOR PLAN



FRONT ELEVATION
SCALE: 1/16"=1'-0"

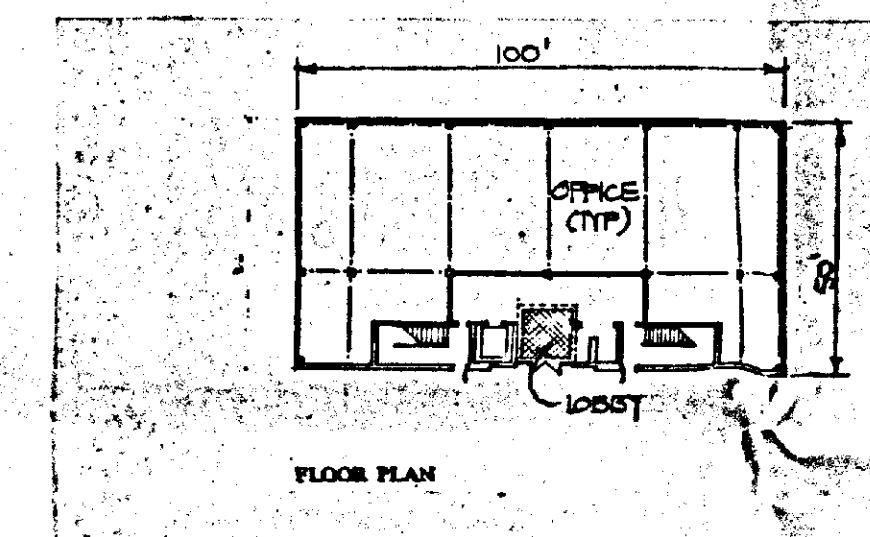


REAR ELEVATION
SCALE: 1/16"=1'-0"



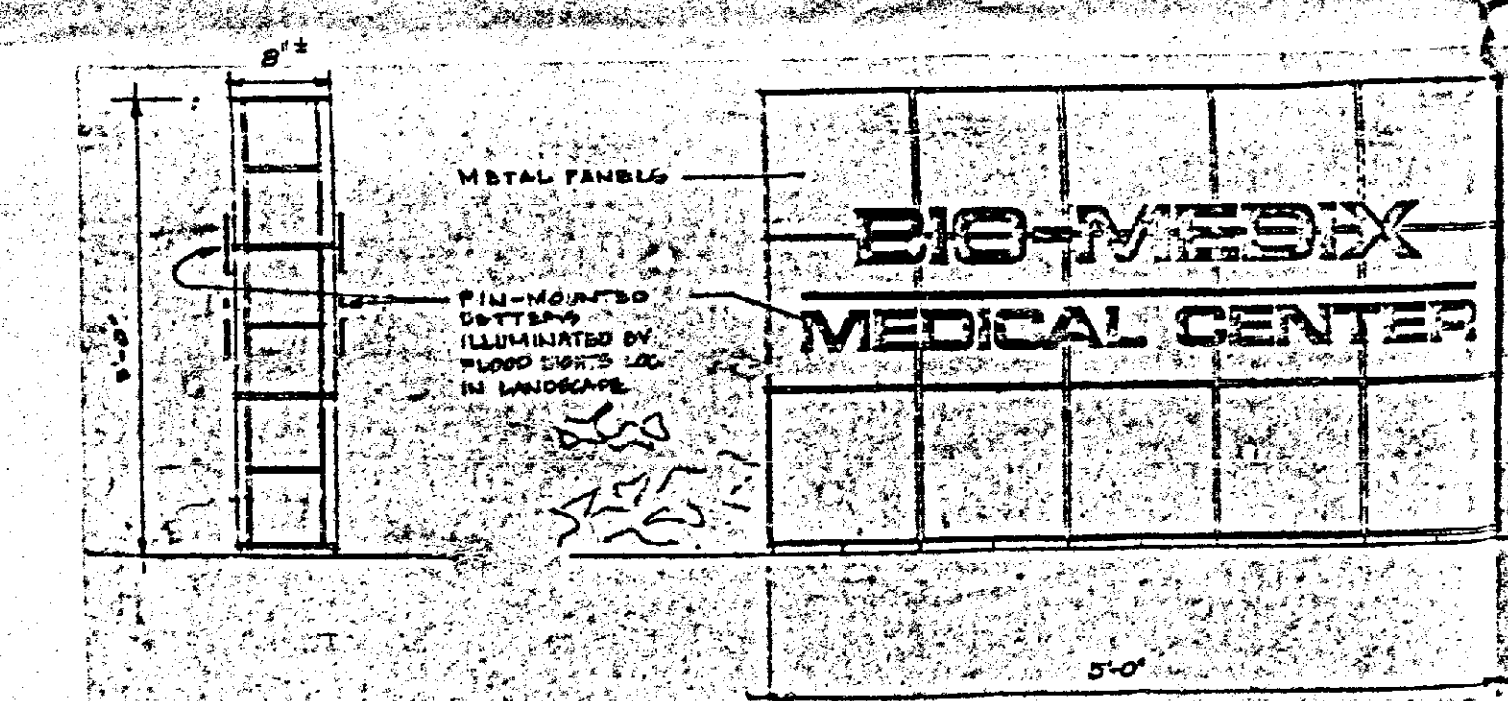
SIDE ELEVATION
SCALE: 1/16"=1'-0"

- BLUE-GRAY METAL PANELS (TYP)
- LIMESTONE COLORED MASONRY
- TINTED GLASS WINDOWS




FLOOR PLAN

ALTERNATE B



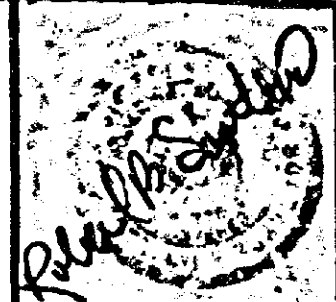
4 PROPOSED REPRESENTATIVE SIGN
NO SCALE



DAFI McCusker Walker Inc.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
200 EAST PENDER LANE, SUITE 100
TOWSON, MD 21204
TELEPHONE: (301) 296-3333

**ELEVATIONS AND FLOOR PLANS
RIDGE ROAD MEDICAL
OFFICE BUILDING
PLAN AND PLAT
TO ACCOMPANY ZONING PETITION**

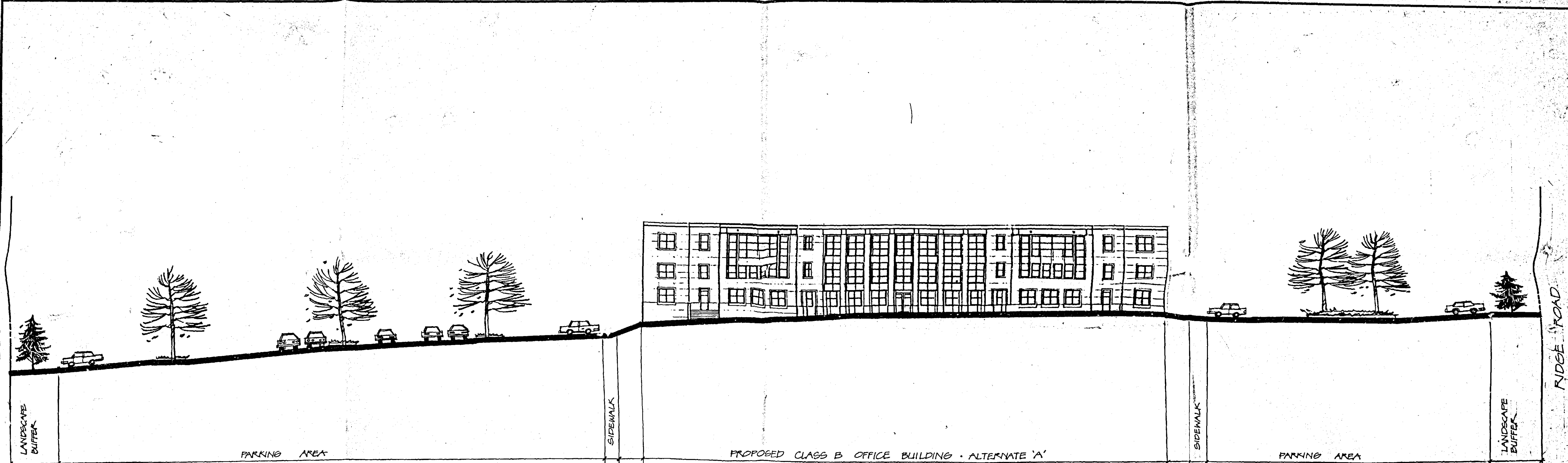
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SCALE: 

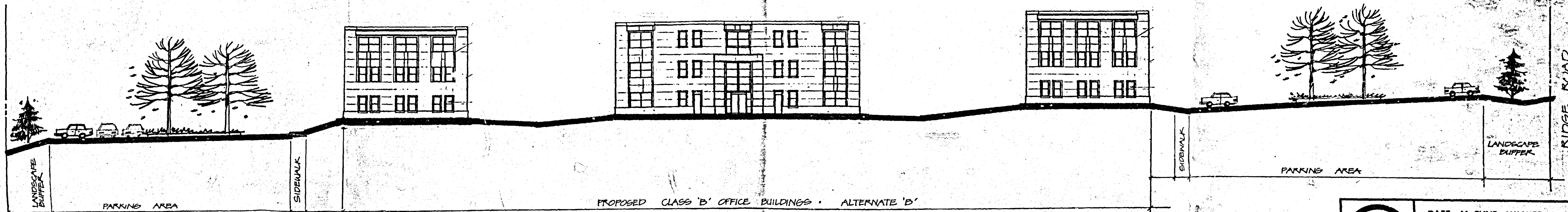
JOB ORDER NO.
188083

ISSUE DATE
12-6-89

**SHEET
3 OF 4**



SECTION A-A




SECTION B-B



DAFT • McCune • Walker, Inc.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
222 E. PENNSYLVANIA AVENUE
TOWSON, MD. 21204
TELEPHONE: (301) 286-3333

SCHEMATIC CROSS SECTIONS
**RIDGE ROAD MEDICAL
OFFICE BUILDING**
PLAN AND PLAT
TO ACCOMPANY ZONING PETITION

		SCALE 3/16" = 1'-0"
		JOB ORDER NO. 80002-A
		DATE 12-6-89
DATE	REVISIONS	SHEET 4

DR.3.5

54708
09-03-2020

SITE

R0

Possible Future
site of Evangel Temple
Church of God

Ridge Road

Riverside Boulevard

Franklin
Square
Hospital

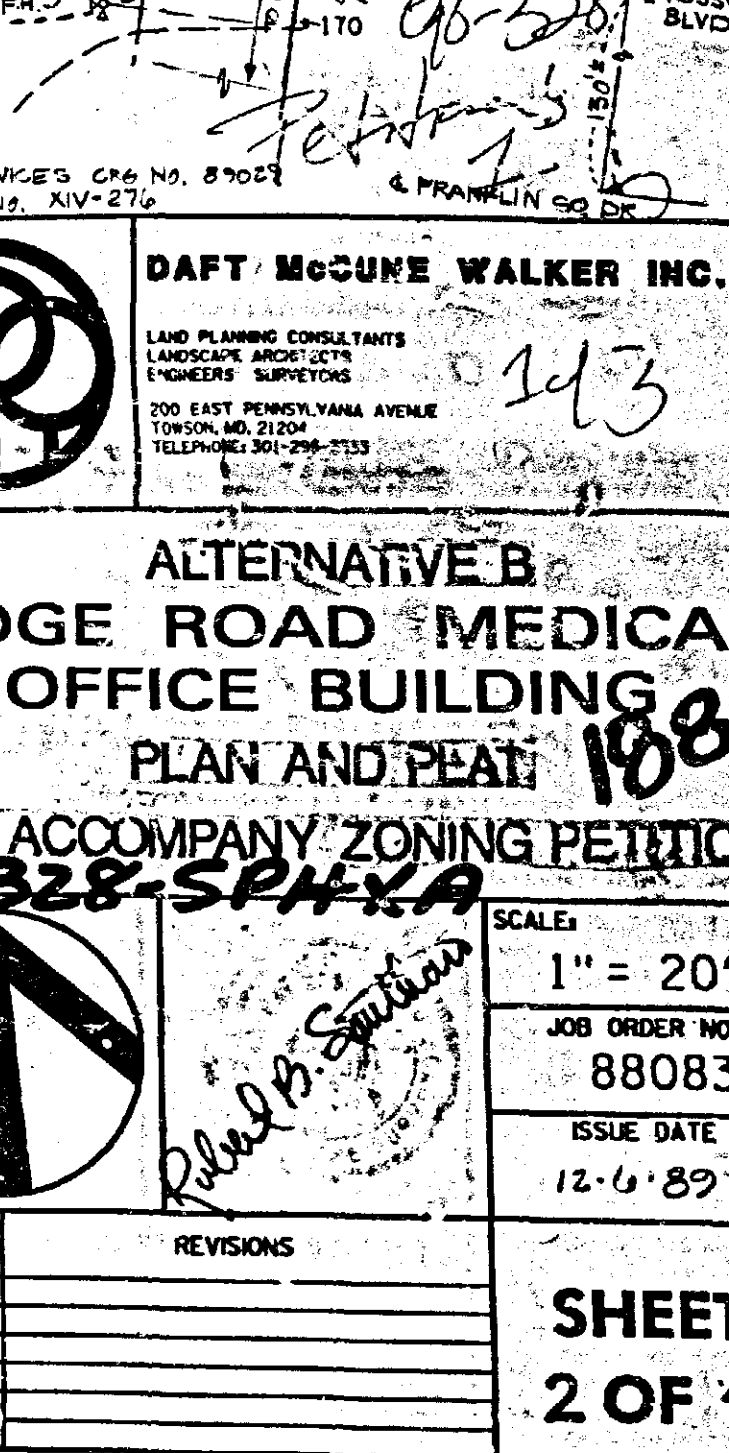
Franklin
Square
Drive

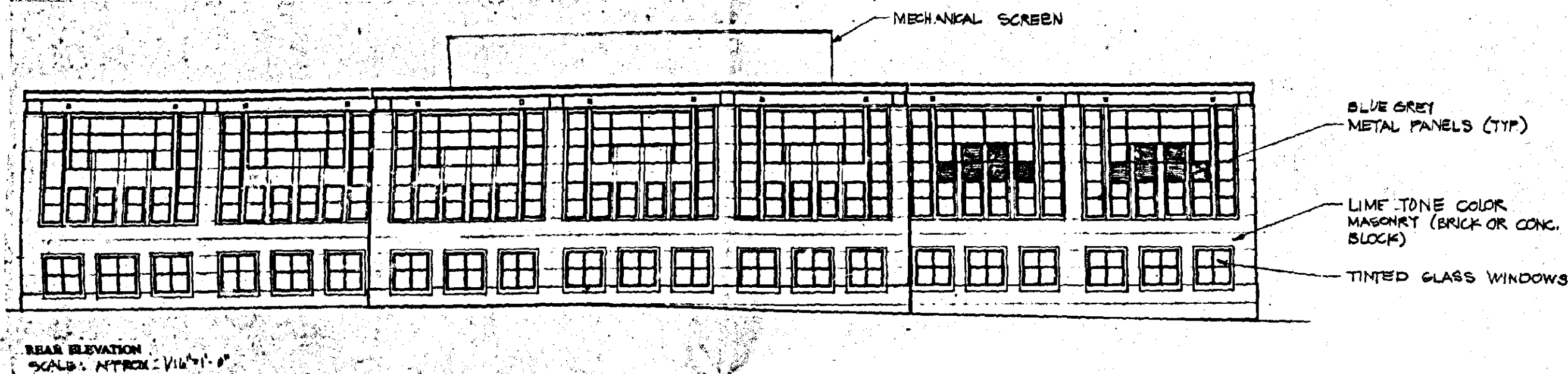
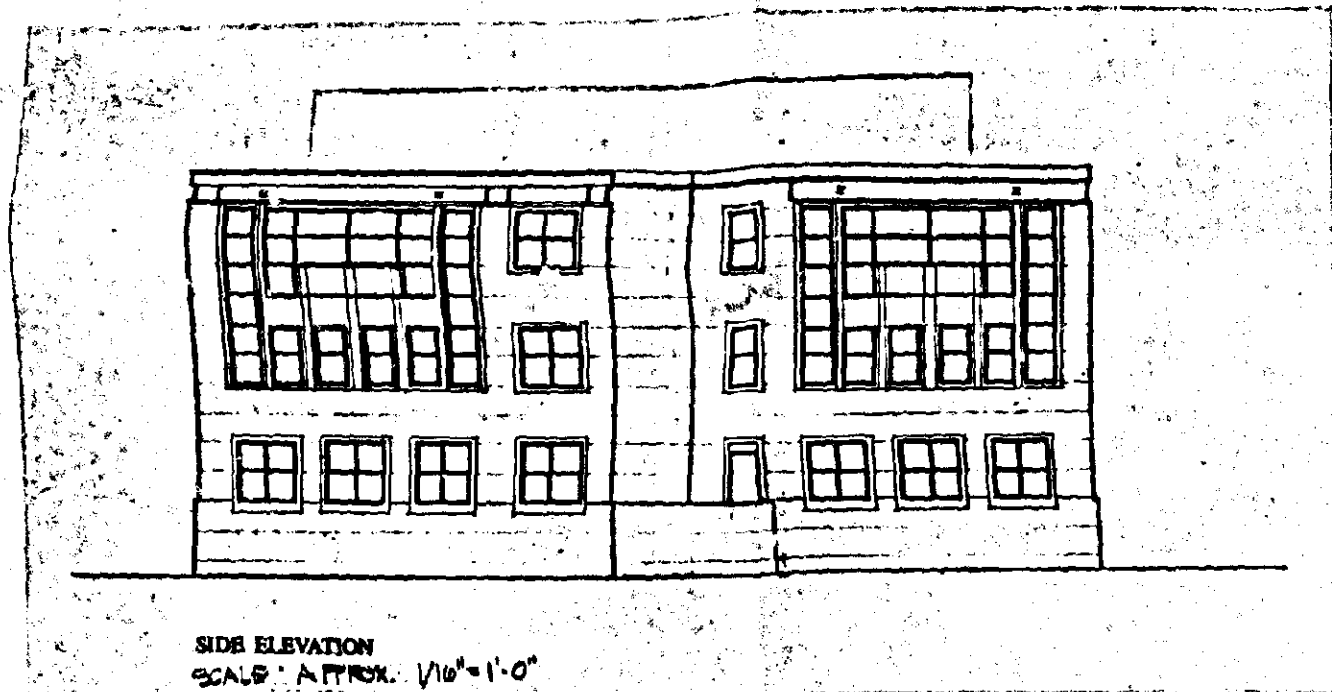
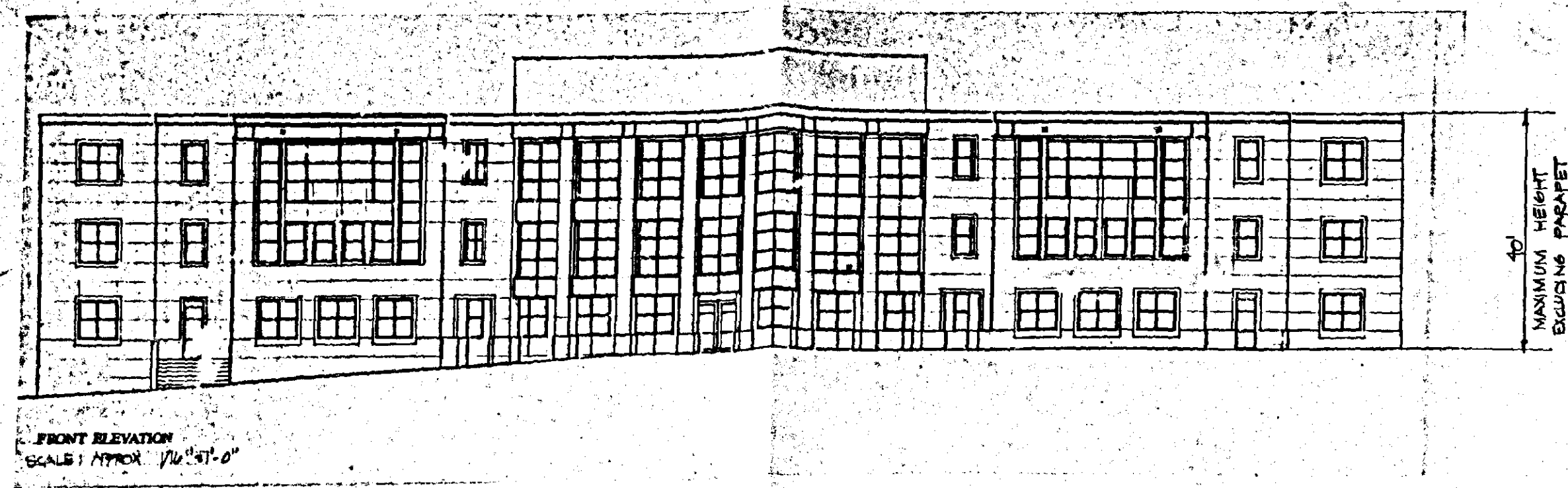
VICINITY MAP

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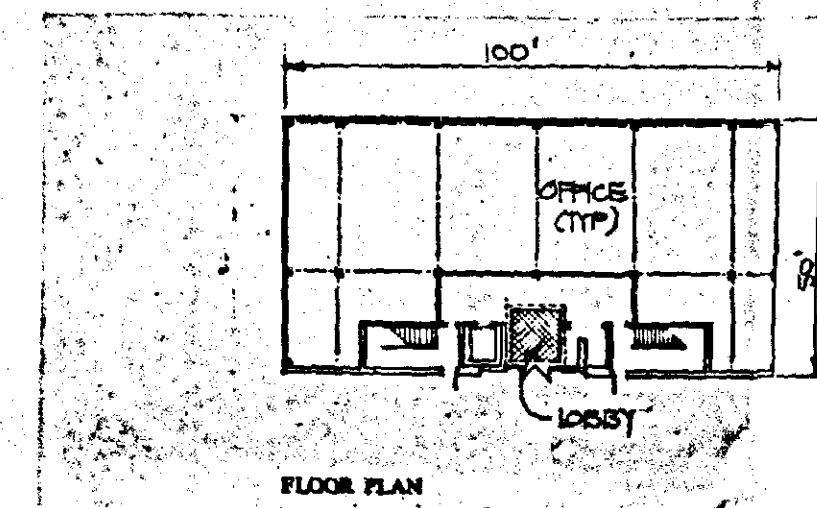
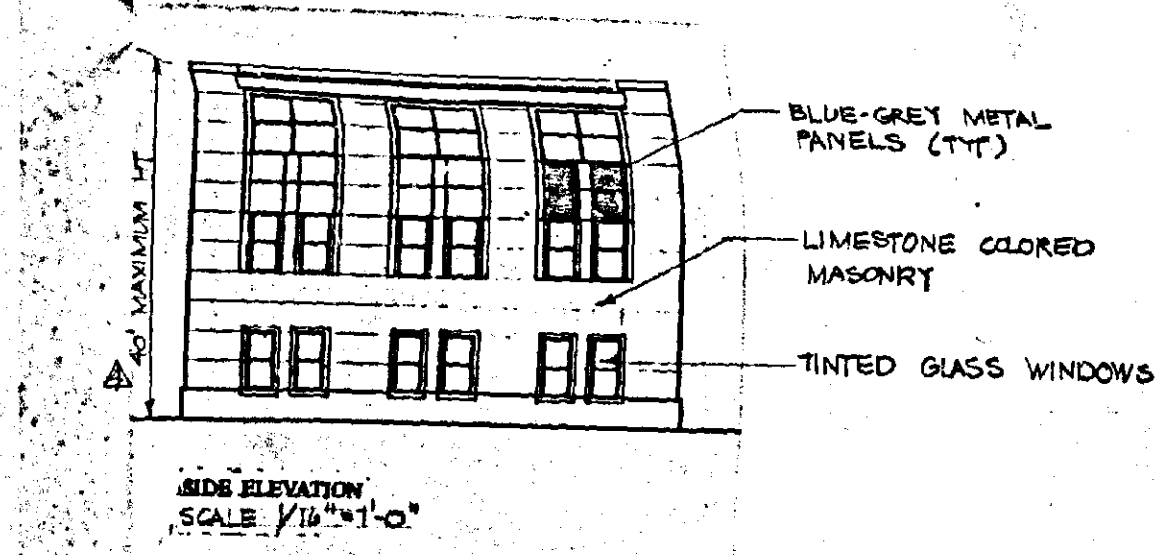
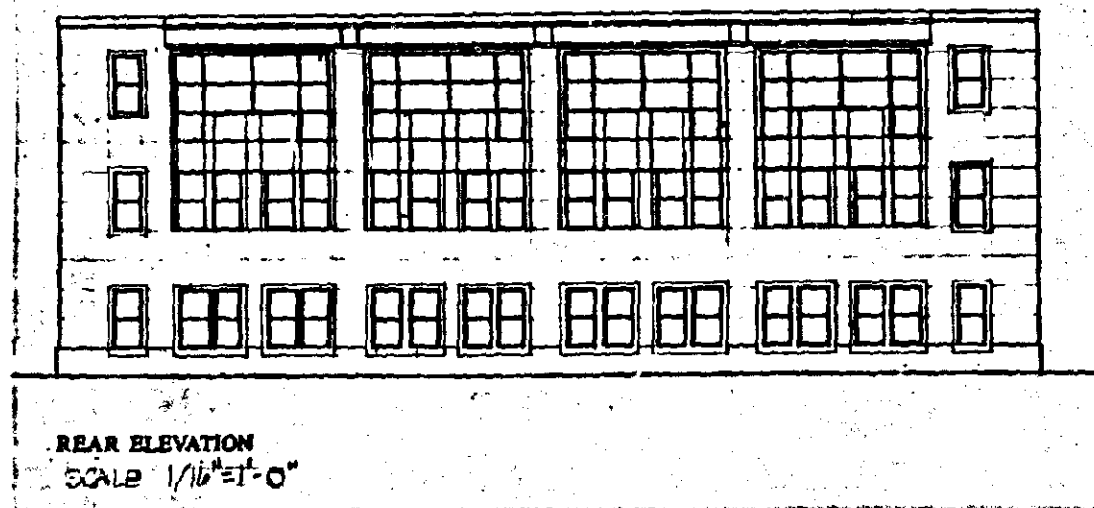
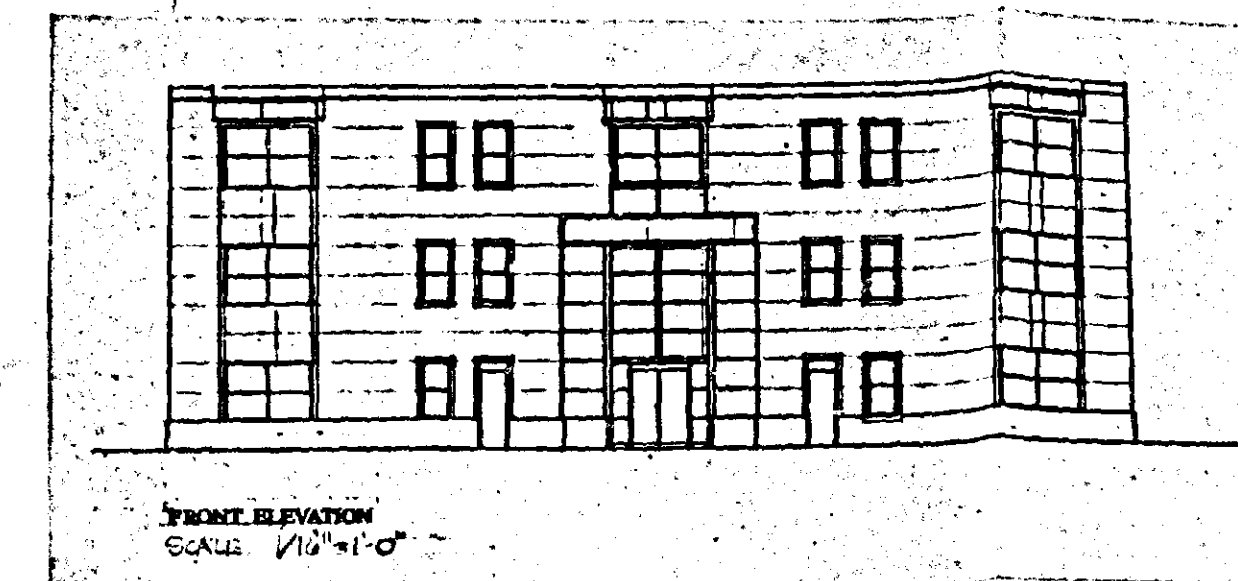
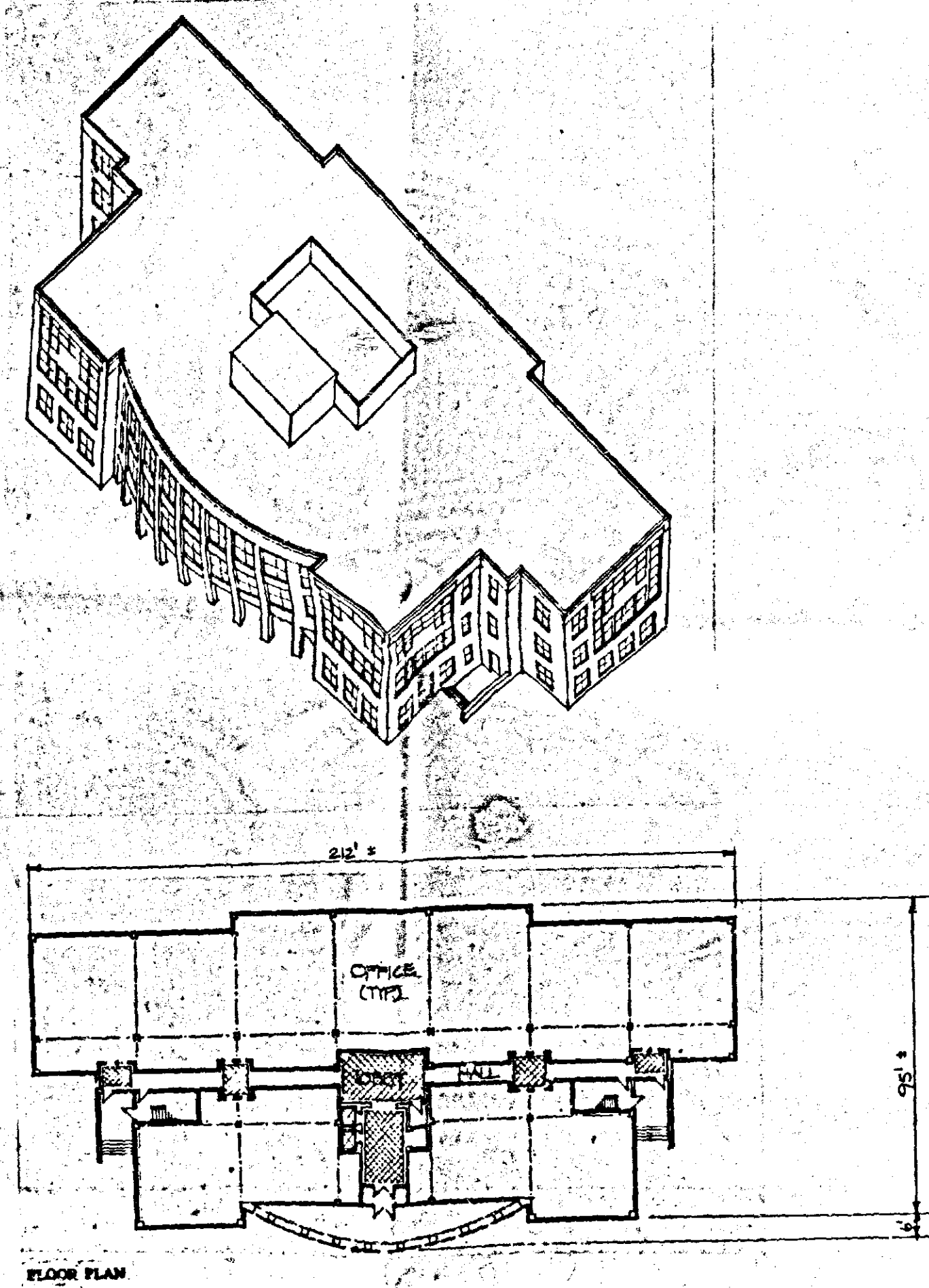
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1:35

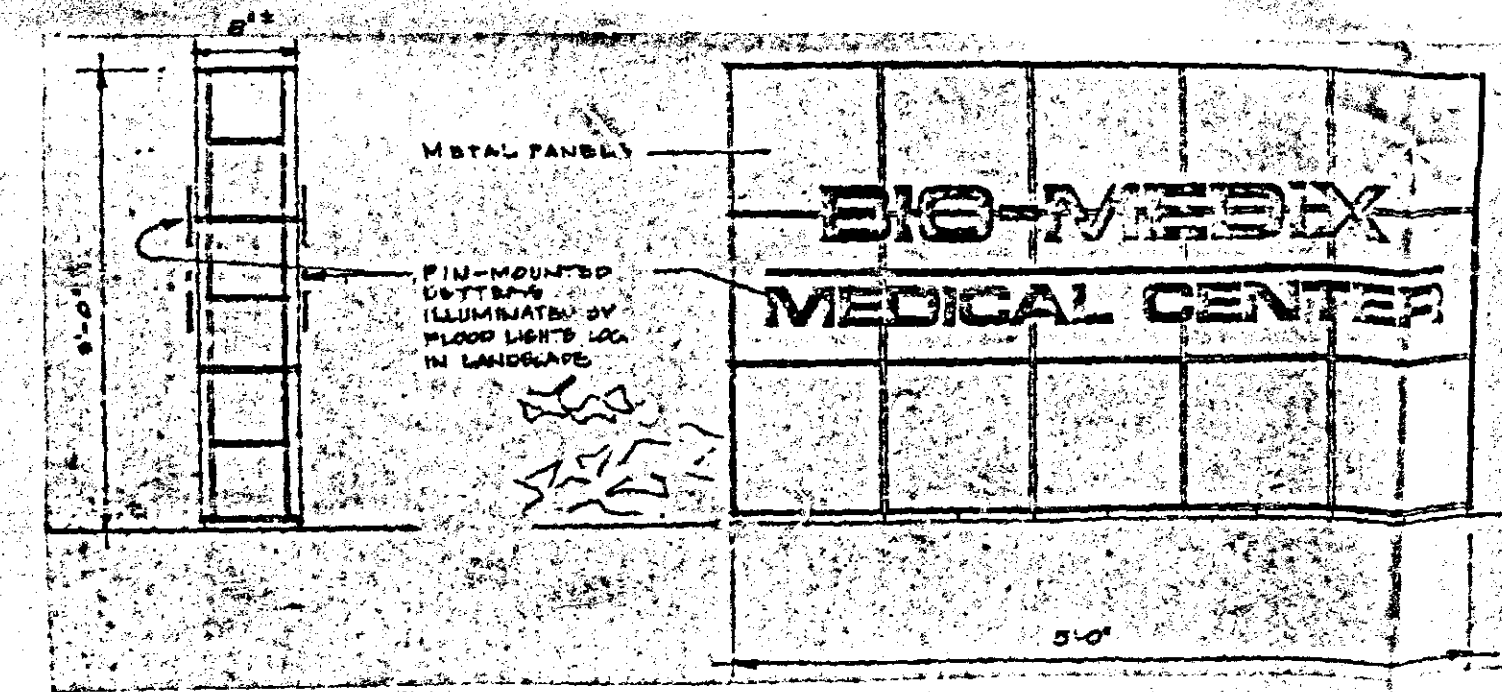





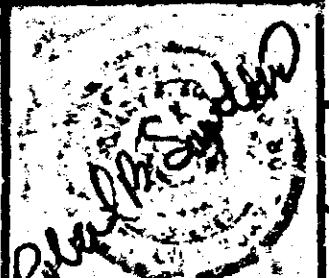
ALTERNATE A

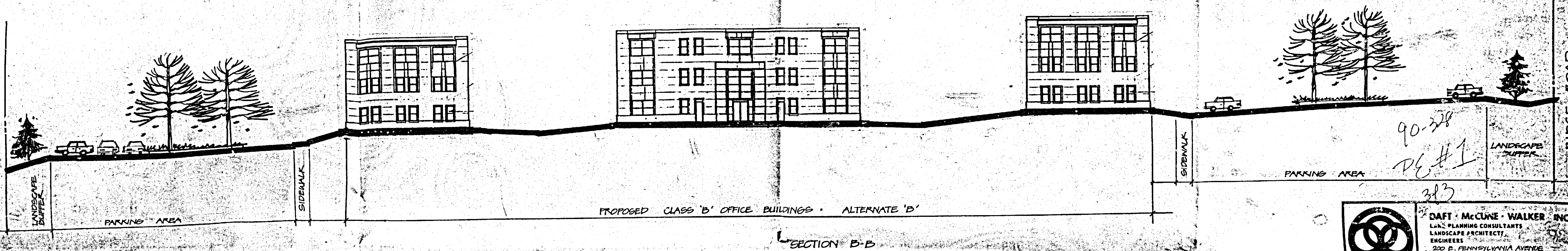
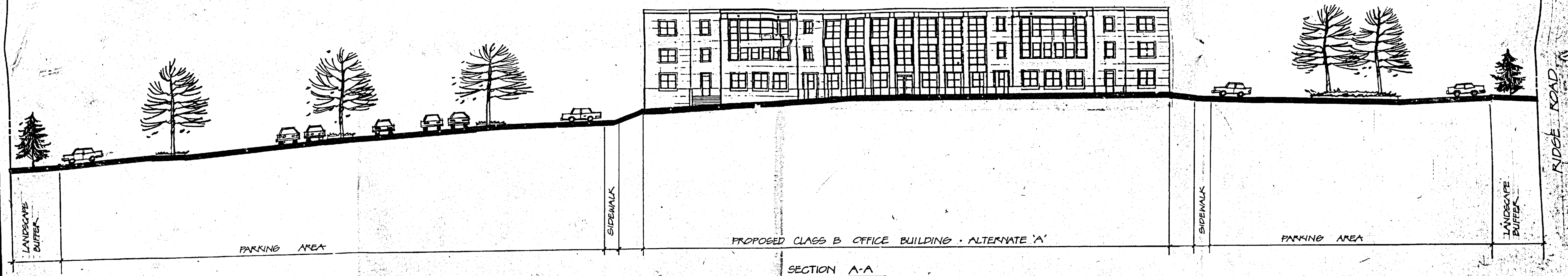




ALTERNATE B



90-328
P.E. #1
213

 DAFT - McCUNE - WALKER & CO. LAND PLANNING CONSULTANTS LANDSCAPE ARCHITECTS ENGINEERS 200 EAST PENNSYLVANIA AVENUE TOMPKINS, MD. 21204 TELEPHONE: (301) 296-3332		
ELEVATIONS AND FLOOR PLANS RIDGE ROAD MEDICAL OFFICE BUILDING PLAN AND PLAT TO ACCOMPANY ZONING PETITION		
DATE _____ _____ _____ _____	REVISIONS _____ _____ _____ _____	SCALE: 
		JOB ORDER NO. 88083
		ISSUE DATE 12-6-89
		SHEET 3 OF 4



		DAFT, McCUNE, WALKER, INC. LIAISON PLANNING CONSULTANTS LANDSCAPE ARCHITECTS ENGINEERS 200 E. PENNSYLVANIA AVENUE TOWSON, MD. 21204 TELEPHONE: (301) 296-2333	
		90-28 PC #1 383	
SCHEMATIC CROSS SECTIONS RIDGE ROAD MEDICAL OFFICE BUILDING PLAN AND PLAT TO ACCOMPANY ZONING PETITION			
		SCALE: 1/16" = 1'-0"	JOB ORDER NO. 80088-A
		ISSUE DATE 12-6-89	SHEET 4
DATE	REVISIONS		

It is clear from the testimony that if the variances are granted, as hereinafter modified, such use as proposed would not be contrary to the spirit and intent of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. Further, the requested variance to permit 100% of the adjusted square floor area to be used for medical offices in lieu of the maximum permitted 25% set forth in Section 203.3.A.2(a), it is clear, as previously cited in the case of In Re: Mark S. Blank, et ux, Case No. 89-554-SPHA, this regulation is subject to a Petition for Variance and can be granted upon the proper legal showing being made. Testimony presented by Dr. Youssef and Mr. Gavrellis indicates that the proposed site and location is in an area of the County where medical and hospital facilities are concentrated. The location of medical offices here is of a benefit to the community. It should be noted that the comments submitted by the Office of Planning would indicate that the proposed 100% medical office uses is appropriate for this location.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the Petitions for Special Hearing, Special Exception and Zoning Variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of April, 1990 that the Petition for Special Hearing to approve a variance to Section 203.4.C.7 of the B.C.Z.R. to permit a lot in excess of 1.0 acre in an R.O. zone not located on a principal arterial and adjacent to residentially used or zoned frontage, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a Class B office building on proposed Lots A, B and C of the sub-

ject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance be granted from each of the Sections cited below as follows:

1) from Section 203.4.C.2 to permit a building height of 40 feet in lieu of the maximum permitted 35 feet;

2) from Section 203.4.C.7 to permit a lot size of approximately 1.043 acres for proposed Lot A, a lot size of approximately 1.053 acres for proposed Lot B, and a lot size of approximately 1.204 acres for proposed Lot C, all in lieu of the maximum permitted lot size of 1.0 acres;

3) from Section 203.3.C.1 to permit a free-standing sign with a surface area of not more than 15 sq.ft. per side to be located on a site which is adjacent to residentially zoned frontage on a non-principal arterial roadway;

4) from Section 203.4.C.8(c)(i) to permit a landscape buffer along a residentially zoned street of 10 feet in lieu of the required 20 feet;

5) from Section 203.4.C.8(a) to eliminate the requirement for screening by an opaque fence, wall or berm;

6) from Section 409.4 to permit direct access parking on a principal access travelway and within a parking lot;

7) from Section 203.3.A.2(a) to permit 100% of the adjusted floor area of the proposed office building to be occupied by medical offices in lieu of the maximum 25% permitted; and,

8) from Section 204.4.C.6 to permit variances from minimum open space requirements within the interior of the respective, proposed parking lots as follows:

a) to permit 774 sq.ft. (or 3%) of amenity open space (AOS) in lieu of the required 1,597 sq.ft. for proposed Lot A;

b) to permit 1,620 sq.ft. (or 6%) of AOS in lieu of the 1,819 sq.ft. required for proposed Lot B; and,

c) to permit 648 sq.ft. of AOS in lieu of the 1,483 sq.ft. required for proposed Lot C,

all as more particularly described in Petitioner's Exhibit 1, be and are hereby approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that such ceding at this time is at their own risk until such time as the 30-day appellate process from this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any building permits Petitioners shall submit a landscaping Plan of all three lots for approval by the Baltimore County Land-Use Planning and the Deputy Director of Planning. The Deputy Director of Planning may require more extensive landscaping and planting than that required under the Baltimore County Land-Use Manual. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.

3) The landscaping plan at a minimum shall provide adequate screening and buffering in the area where the variance from Section 203.4.C.8(c) has been granted. Further, Petitioners shall provide landscaping around the freestanding sign granted herein.

4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve that perimeter bay dividers and bay ends qualify as interior amenity open space on lots in excess of 15,000 sq.ft. and which require more than 15 parking spaces be and is hereby DENIED.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

April 16, 1990

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE
W/S of Rossville Boulevard, 130' NW of the c/l of Franklin Square Drive
(Ridge Road Medical Office Building)
14th Election District - 6th Councilmanic District
Youssef A. Youssef, MD - Petitioner
Case No. 90-328-SPHXA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-328-SPHXA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 501.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the same.

has the authority to approve, by way of variance to BCZR Section 203.4.C.7, a maximum lot size in excess of 1.0 acre for a lot not located on a principal arterial adjacent to residentially used or zoned frontage; and to determine if perimeter bay dividers and bay ends qualify as interior amenity open space on lots in excess of 15,000 square feet and which require more than 15 parking spaces.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
Howard L. Alderman, Jr.
(Type or Print Name)
Signature
Address
City and State

17 Fontana Lane, Suite 105 391-1771
Baltimore, Maryland 21237
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Howard L. Alderman, Jr., Esq.
Suite 113
305 W. Chesapeake Ave.
Towson, Maryland 21204
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Howard L. Alderman, Jr., Esq.
Suite 113
305 W. Chesapeake Ave.
Towson, Maryland 21204
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of DEC, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of FEB, 1990, at 9:30 o'clock.

J. Robert Haines
Zoning Commissioner of Baltimore County

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-328-SPHXA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Class B Office Building containing medical offices, pursuant to BCZR Section 203.3.B.2 (a), on Proposed Lot A, Lot B and Lot C as shown on the Plat to accompany this Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
Howard L. Alderman, Jr.
(Type or Print Name)
Signature
Address
City and State

17 Fontana Lane, Suite 105 391-1771
Baltimore, Maryland 21237
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Howard L. Alderman, Jr., Esq.
Suite 113
305 W. Chesapeake Ave.
Towson, Maryland 21204
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Howard L. Alderman, Jr., Esq.
Suite 113
305 W. Chesapeake Ave.
Towson, Maryland 21204
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of DEC, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of FEB, 1990, at 9:30 o'clock.

J. Robert Haines
Zoning Commissioner of Baltimore County

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-328-SPHXA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. The size and configuration of the existing parcel, as affected by legislation enacted after the existing zoning was adopted prohibits the use of the property for a permitted purpose, resulting in hardship and practical difficulty.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
Howard L. Alderman, Jr.
(Type or Print Name)
Signature
Address
City and State

17 Fontana Lane, Suite 105 391-1771
Baltimore, Maryland 21237
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Howard L. Alderman, Jr., Esq.
Suite 113
305 W. Chesapeake Ave.
Towson, Maryland 21204
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Howard L. Alderman, Jr., Esq.
Suite 113
305 W. Chesapeake Ave.
Towson, Maryland 21204
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of DEC, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of FEB, 1990, at 9:30 o'clock.

J. Robert Haines
Zoning Commissioner of Baltimore County

9. If the Zoning Commissioner determines, pursuant to Petition for Special Hearing filed, that perimeter bay dividers and bay ends do not qualify as interior amenity open space, a Variance from BCZR Section 204.4.C.6 to permit 774 square feet (3%) of Amenity Open Space (AOS) in lieu of the 1597 square feet required for proposed Lot A; and to permit 1620 square feet (6%) of AOS in lieu of the 181 square feet required for proposed Lot B; and to permit 648 square feet (3%) of AOS in lieu of the 1483 square feet required for proposed Lot C, all within the interior of the respective, proposed parking lots.

Page 2 of 2

DAFT-MCCLINE-WALKER, INC. 200 East Pennsylvania Avenue, Towson, Maryland 21204 301 296 3333 FAX 301 296 4765
Land Planning & Development Consultants

90-328-SPHXA

Zoning Description

3.281 Acre Parcel, West Side of Rossville Boulevard,
North of Franklin Square Drive,
Fourth Election District, Baltimore County, Maryland



Land Planning
Engineering
Landscape Architecture
Surveying
Computer Design
Graphics

Beginning for the same on the west side of Rossville Boulevard and at a point located northwesterly 100 feet, more or less, from a point on the center line of said Rossville Boulevard, as now constructed, said last mentioned point being distant 130 feet, more or less, as measured northeasterly along said center line of Rossville Boulevard from its intersection with the center line of Franklin Square Drive, running from said beginning point and binding on said west side of Rossville Boulevard, (1) North 13 degrees 01 minute 20 seconds East 223.51 feet, thence three courses: (2) North 84 degrees 43 minutes 40 seconds West 660.33 feet, (3) South 05 degrees 16 minutes 20 seconds East 630.19 feet to the point of beginning; containing 3.281 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND SHOULD NOT BE USED FOR CONVEYANCE.

November 29, 1989

Our Job No. 8808X (L8808X)



Page 1 of 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing, Special Exception & Zoning Variances
CASE NUMBER: 90-328-SPHXA
W/S of Rossville Boulevard, 130' NW of c/l of Franklin Square Drive
"Ridge Road Medical Office Building"
14th Election District - 6th Councilmanic
Petitioner(s): Youssef A. Youssef, M.D.
HEARING: MONDAY, FEBRUARY 26, 1990 at 9:30 a.m.

Special Hearing: To approve a maximum lot size in excess of 1.0 acre for a lot located on a principal arterial adjacent to residentially used or zoned frontages; to determine if perimeter bay dividers and bay ends qualify as interior amenity open space on lots in excess of 15,000 sq. ft. and which require more than 15 parking spaces.
Special Exception: For a Class "B" office building containing medical offices on proposed lot A, lot B and lot C.
Variances: To permit a 40 ft. maximum height of structure in lieu of the permitted 35 ft. maximum height; to permit a lot approximately 1.043 acres, more or less, in size in lieu of the 1.0 acre maximum for proposed lot A; to permit a lot approximately 1.053 acres, more or less, in size in lieu of the 1.0 acre maximum for proposed lot B; to permit a lot approximately 1.224 acres, more or less, in size in lieu of the 1.0 acre maximum for proposed lot C; to permit a free-standing or less, in size in lieu of the 1.0 acre maximum for proposed lot C; to permit a 10 ft. landscape residentially zoned frontage on a non-principal arterial roadway; to permit a 10 ft. landscape buffer along a residentially zoned street in lieu of the 20 ft. required; to eliminate the requirement for screening by an opaque fence, wall, or berm; to permit direct access parking on a principal access travelway and within a parking lot; to permit 100% of the adjusted floor area of the proposed office buildings to be occupied by medical offices in lieu of the 25% permitted; and if the Zoning Commissioner determines, pursuant to Petition for Special Hearing submitted, that perimeter bay dividers and bay ends do not qualify as interior amenity open space, filed, that perimeter bay dividers and bay ends do not qualify as interior amenity open space, a variance to permit 774 sq. ft. (3%) of Amenity Open Space (A.O.S.) in lieu of the 1,597 sq. ft. required for proposed lot A; to permit 1,620 sq. ft. (6%) of A.O.S. in lieu of the 1,819 sq. ft. required for proposed lot B; to permit 648 sq. ft. (3%) of A.O.S. in lieu of the 1,483 sq. ft. required for proposed lot C, all within the interior of the respective, proposed parking lots.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 14th Date of Posting: 2/1/90
Posted for: Special Hearing - Special Exception - Variance
Petitioner: Youssef A. Youssef, M.D.
Location of property: 415 Rossville Blvd, NW of Franklin Sq. Dr.
Location of Sign: 15' E. of Rossville Blvd, NW of Franklin Sq. Dr.
Remarks: See Petition
Posted by: Michelle Date of return: 2/14/90
Number of Signs: 6

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., on each of 1 successive weeks, the first publication appearing on Feb 1, 1990.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zabe Olson
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petitions for Special Hearing, Special Exception & Zoning Variances
CASE NUMBER: 90-328-SPHXA
W/S of Rossville Boulevard, 130' NW of c/l of Franklin Square Drive
"Ridge Road Medical Office Building"
14th Election District - 6th Councilmanic
Petitioner(s): Youssef A. Youssef, M.D.
HEARING: MONDAY, FEBRUARY 26, 1990 at 9:30 a.m.

J. ROBERT HAINES
Zoning Commissioner
BALTIMORE COUNTY, MARYLAND
JAN 2011 February 1, 1990

YOUSSEF A. YOUSSEF
RIDGE ROAD MEDICAL CENTER
CASE NO. 90-328-SPHXA
PROPOSED FINDINGS OF FACT

General Testimony (common to all issues)

- Petitioner requests a Special Hearing to determine if the Deputy Zoning Commissioner has the authority to grant a variance to the 1.0 acre maximum lot size in a R-O zone and to determine if perimeter bay ends and bay dividers qualify as amenity open space.
- Petitioner is requesting variances: From the 35 foot maximum building height in a R-O zone; from the 1.0 maximum lot size to create three separate lots, each slightly larger than 1.0 acre, on an existing 3.3 acre parcel; from the sign limitations of the R-O zone to permit an illuminated sign with a total surface area of not more than 15 feet per side; from the requirement of a 20 foot wide landscape buffer; from the required screening of a parking area by an opaque fence, wall or berm; from the parking regulations to permit direct access parking on a travelway within a parking lot; to permit 100% medical office occupancy in a R-O zone; and from the amenity open space requirements for parking areas if the Commissioner determines that planted bay ends and bay dividers do not count toward interior A.O.S. calculations pursuant to the Special Hearing filed.
- Petitioner requests approval of a Class B office building by way of Special Exception for each of the three lots proposed, all as more particularly shown on Petitioner's Exhibit No. 1.

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 1, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 1, 1990.

THE JEFFERSONIAN,

S. Zabe Olson
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petitions for Special Hearing, Special Exception & Zoning Variances
CASE NUMBER: 90-328-SPHXA
W/S of Rossville Boulevard, 130' NW of c/l of Franklin Square Drive
"Ridge Road Medical Office Building"
14th Election District - 6th Councilmanic
Petitioner(s): Youssef A. Youssef, M.D.
HEARING: MONDAY, FEBRUARY 26, 1990 at 9:30 a.m.

Special Hearing: To approve a maximum lot size in excess of 1.0 acre for a lot located on a principal arterial adjacent to residentially used or zoned frontages; to determine if perimeter bay dividers and bay ends qualify as interior amenity open space on lots in excess of 15,000 sq. ft. and which require more than 15 parking spaces. Special Exception: For a Class "B" office building containing medical offices on proposed lot A, lot B and lot C. Variances: To permit a 40 ft. maximum height of structure in lieu of the permitted 35 ft. maximum; to permit a lot approximately 1.043 acres, more or less, in size in lieu of the 1.0 acre maximum for proposed lot A; to permit a lot approximately 1.053 acres, more or less, in size in lieu of the 1.0 acre maximum for proposed lot B; to permit a lot approximately 1.224 acres, more or less, in size in lieu of the 1.0 acre maximum for proposed lot C; to permit a free-standing or less, in size in lieu of the 1.0 acre maximum for proposed lot C; to permit a 10 ft. landscape residentially zoned frontage on a non-principal arterial roadway; to permit a 10 ft. landscape buffer along a residentially zoned street in lieu of the 20 ft. required; to eliminate the requirement for screening by an opaque fence, wall, or berm; to permit direct access parking on a principal access travelway and within a parking lot; to permit 100% of the adjusted floor area of the proposed office buildings to be occupied by medical offices in lieu of the 25% permitted; and if the Zoning Commissioner determines, pursuant to Petition for Special Hearing submitted, that perimeter bay dividers and bay ends do not qualify as interior amenity open space, filed, that perimeter bay dividers and bay ends do not qualify as interior amenity open space, a variance to permit 774 sq. ft. (3%) of Amenity Open Space (A.O.S.) in lieu of the 1,597 sq. ft. required for proposed lot A; to permit 1,620 sq. ft. (6%) of A.O.S. in lieu of the 1,819 sq. ft. required for proposed lot B; to permit 648 sq. ft. (3%) of A.O.S. in lieu of the 1,483 sq. ft. required for proposed lot C, all within the interior of the respective, proposed parking lots.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 601-6150

Number

No 1477

90-328

Date

2/26/90

PUBLIC HEARING FEES

000 - POSTING SIGNS / ADVERTISING 1.00

TOTAL: \$247.14

LAST NAME OF OWNER: YOUSSEF

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 2/16/90



Dennis F. Rasmussen
County Executive

Re: Petitions for Special Hearing, Special Exception & Zoning Variances
CASE NUMBER: 90-328-SPHXA
W/S of Rossville Boulevard, 130' NW of c/l of Franklin Square Drive
"Ridge Road Medical Office Building"
14th Election District - 6th Councilmanic
Petitioner(s): Youssef A. Youssef, M.D.
HEARING: MONDAY, FEBRUARY 26, 1990 at 9:30 a.m.

Dear Petitioner:

Please be advised that \$347.14 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

- Petitioner appeared, testified, and was represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of Petitioner was Mr. Randy Sovich, a registered architect and Mr. George E. Gavrellis, an expert land planner. There were no protestants.
- Petitioner's property was zoned R-O in the 1984 Comprehensive Zoning Process.
- Petitioner's three lot, three building concept was submitted for review and approval by the County Review Group.
- As a result of CRG review of Petitioner's development plan, it was determined that Petitioner's property was divided by a zoning classification line with all but approximately 50 feet along the northern property line zoned R-O. This 50 foot strip was zoned DR 3.5.
- By Writ of Mandamus filed in the Circuit Court for Baltimore County, Case No. 89CSP2438, Judge James Smith ordered the official 200' scale zoning maps to be corrected to show the entire subject property zoned R-O.
- Petitioner settled on his purchase of the subject property in October 1988.
- The Baltimore County Council adopted the current R-O zoning regulations which became effective in November 1988.
- Petitioner's three lot, three building development concept was approved by the CRG on October 13, 1989.
- As part of the CRG approval, Petitioner was apprised of and acknowledged the requirement of cross-easements for access

through and among the proposed three lots, as well as for provision of the parking necessary to support the proposed medical office occupancy.

13. Prior to the enactment of the present R-O zoning regulations, there was no maximum lot size of a R-O parcel nor limit as to the percentage of gross floor area that could be occupied by medical offices.

14. The subject property is located within the area of the County which functions as the Eastern regional medical health care service area.

15. The subject property is bordered to the South and to the West by land zoned DR 3.5 on which the Evangel Temple of God is presently completing the construction of a large place of worship and associated parking, all as more particularly shown on Petitioner's Exhibit No. 2.

16. As a result of Petitioner's proposed development, and that of the Evangel Temple, public sewerage facilities will be extended to the existing Fuller Medical Group building and the undeveloped parcel to the north of the subject property.

17. Dr. Youssef has hospital privileges and conducts a substantial portion of his practice at Franklin Square Hospital.

18. Dr. Youssef has inquired of realtors and leasing agents regarding the demand for new office space in the eastern area of the County near the medical facility complex.

19. Dr. Youssef testified that based on independent inquiries from other doctors and medical professionals and the results of

realtors and leasing agents, the single demand for office space is for use as medical offices.

20. The location of medical offices in this medical health care service area will enable medical professionals to locate their private offices within 2-3 minutes of the Franklin Square Hospital.

21. Dr. Youssef also testified that many of the doctors and medical professionals who have contacted him seek to purchase office space versus an on-going lease arrangement. The proposed medical offices will address the existing unavailability of office space purchase.

22. Dr. Youssef testified that based on his personal knowledge of the existing demand for office space in this area, office space limited to non-medical occupancy will not be rented or sold, and will remain vacant.

23. In Dr. Youssef's opinion, the proposed office space will help satisfy existing demand; will complement the existing major hospital facilities which presently exist; and will enable medical professionals to deliver health care service in a more orderly, timely manner than if forced to locate their offices greater distances from this health care hub.

Architecture

24. Randy Sovich, an architect licensed in Maryland, testified that his firm had prepared the building elevations and building footprints which form the basis of the site development.

25. The standard office construction detail utilized by Mr.

Sovich's firm includes 13'4" floor heights to accommodate structural beams, mechanical and air handling space etc.

26. Due to the existing shape of the subject parcel, shorter, higher buildings are necessary.

27. The predominant roof lines of the Fuller Medical Center and the buildings located at Franklin Square and Essex Community College are flat.

28. Any requirement for peaked roofs would necessitate a greater variance from the BCZR than is presently requested.

29. The use of peaked roofs on these wider than standard residential buildings will give less of a residential appearance.

30. The design elements to be incorporated into the proposed buildings include masonry materials and extensive use of glass.

31. The design elements and the appropriateness of the three Class B office buildings was considered and evaluated by the CRG, pursuant to County Code 22-104(a) prior to approval by the CRG on October 13, 1989.

Landscaping/Open Space (SPH)

32. Petitioner's overall amenity open space proposed is approximately 7,758 square feet as compared to the 4900 square feet required.

33. Mr. Gavrelis identified the purposes of amenity open space in interior areas of parking as providing a pleasant and agreeable space or amenity to break up masses of paving.

34. Mr. Gavrelis testified further that, in his opinion, the proposed parking bay dividers and bay ends function as interior

amenity open space within the spirit and intent of the BCZR and, in fact, exceeds the minimum requirement.

35. Mr. Gavrelis testified that strict interpretation of the BCZR regarding what qualifies as interior amenity open space would be unreasonably burdensome on Petitioner and that it would be practically difficult to provide in some other form, qualifying AOS.

Class B Office Buildings

36. Mr. Gavrelis testified that he had examined Petitioner's Exhibit No. 1, the subject site and the surrounding area and the requirements for approval of a Special Exception use pursuant to BCZR 502.1.

37. In Mr. Gavrelis' expert opinion, the proposed office buildings would increase the quality of health care and related facilities available to the community and would in no way be detrimental to the safety or general welfare. Dr. Youssef's testimony also evidenced the increase in quality of health care facilities.

38. Access to and from the site would be from Ridge Road which runs parallel to Rossville Boulevard. Mr. Gavrelis testified that Ridge Road functions as a service road that intersects Rossville Boulevard at a signal controlled intersection.

39. In Mr. Gavrelis' opinion, the proposed office building would not create traffic congestion, hazards, overcrowding of land or undue concentration of population, nor would they interfere with adequate light or air.

40. Parking is provided for completely on-site and this development, as well as other development in the area, will provide for the extension of public sewerage facilities.

41. Mr. Gavrelis' uncontradicted testimony indicated that the proposed development was not inconsistent with the impermeable surface and vegetative requirements of the BCZR, and that the development was consistent with the spirit and intent of the BCZR.

Maximum Lot Size

42. Petitioner seeks a variance from the 1.0 maximum lot size provision of BCZR 203.4.C.7.

43. The maximum lot size regulation is a bulk/area requirement/standard and as such is subject to variance.

44. Neither Rossville Boulevard nor Ridge Road are classified as principal arterials, although Rossville Boulevard functions like such an arterial.

45. Petitioner proposes the creation of three lots on this 3.3 acre parcel: Lot A approximately 45,430 square feet or 1.04 acres; Lot B approximately 45,860 square feet or 1.05 acres; and Lot C approximately 52,450 square feet or 1.2 acres in size, all as more particularly shown on Petitioner's Exhibit 1.

46. If Petitioner was required to subdivide into four lots, all less than 1.0 acres, practical difficulty would result with respect to access to the respective parcels and with meeting the other site design requirements of the R-O regulations.

47. Viable development is not possible on this site if lots less

than 1.0 acre in size are utilized, due to the topography, shape and depth of the lot.

Sign

48. Petitioner proposes a free standing, illuminated sign, to be located as indicated on Petitioner's Exhibit 1, having a surface area of not more than 15 square feet per side.

49. The present R-O regulations permit one sign with a total area of not more than 8 square feet to be attached to each building.

50. Mr. Gavrelis, in reference to Petitioner's Exhibit 1, noted that the topography of the subject site descends from Rossville Boulevard and that the building configuration required on this narrow site is such that signs at building entrances would not identify adequately this proposed medical office complex.

51. The policy of Baltimore County is to count the total area of a sign, and not just the size of the individual letters, as well as the area of any support structure beyond the minimum necessary to hold the sign.

52. Mr. Gavrelis testified that the actual lettering or message portion of the size is comprised of approximately 5 square feet per side.

53. In Mr. Gavrelis' opinion, the unique features of this site make it practically difficult to provide signage that will announce to the public the activity conducted on the premises.

Landscaping Buffer

54. Petitioner seeks to provide a 10' wide buffer adjacent to

Ridge Road in lieu of the 20' wide buffer required by BCZR 203.4.C.8.(c)(1)

55. Testimony presented indicates that a 20' wide buffer along the width of the subject site parallel to Ridge Road would require an area of approximately 3,880 square feet. The buffer area as shown on Petitioner's Exhibit No. 1, which is 10' wide at its most narrow point, will provide a buffer area of approximately 4,760 square feet.

56. The uses east of Ridge Road are institutional uses existing within a residential zone.

57. Due to the angular shape of this site parallel to Ridge Road, the requested relief can be granted, in the expert opinion of Mr. Gavrelis, within the spirit and intent of the BCZR.

Wall, Berm or Fence

58. Petitioner requests a variance from BCZR 203.4.C.8(a) to eliminate the requirement to screen parking areas via an opaque wall, fence or berm.

59. The subject property is bordered on the south by a 40' wide use-in-common easement.

60. The area south of the easement is improved with a roadway to serve the Evangel Temple of God as shown on Petitioner's Exhibit 2.

61. The extensive landscaping proposed by Petitioner, and approved by the CRG, together with the existence of existing woods lines will provide the type and extent of screening contemplated by the BCZR.

62. The land west of the subject site is also owned by the Evangel Temple and is lower than the subject site thereby rendering the required 5 foot high screening ineffective as compared to the proposed landscaping.

63. The landscaping to be provided meets the spirit and intent of the screening requirements for parking areas imposed by the R-O regulations.

Parking on Travelway

64. Petitioner seeks relief from BCZR Section 409.4 to permit direct access parking on a parking aisle, within a parking area.

65. The proposed parking provides for the required number of spaces based on 100% medical occupancy of the proposed buildings.

66. Mr. Gavrelis testified that the parking shown on Petitioner's Exhibit 1 is adjacent to an aisle, not a driveway. In Mr. Gavrelis' opinion, a driveway serves as access to a roadway, an aisle provides for circulation.

67. Mr. Gavrelis testified that if the parking along the southern portion of the site were to be considered as being along a driveway and no variance is granted, insufficient parking to service the proposed uses will be provided on site.

100% Medical Occupancy

68. A variance to BCZR 203.3.A.2(a) is sought by Petitioner to permit 100% medical office occupancy of the proposed buildings.

69. The Zoning Commissioner, in Case No. 89-554-SPHA, held that this regulation is subject to a petition for variance and the same can be granted upon the proper legal showing being made.

70. The subject site is located in an area of the County where medical and hospital facilities are concentrated.

71. The subject area is similar to the area around St. Joseph's Hospital and GMC.

72. The combined testimony of Mr. Gavrelis and Dr. Youssef indicates that the inability to rent offices, no medical in nature, results in practical difficulty and in undue hardship.

AOS Variance (if necessary)

73. The plantings and open space provided exceed the requirements of the BCZR.

74. The bay ends and bay dividers, which are technically not completely within the interior of the proposed parking areas, provide the same functions as the open space which is so located.

75. The fact that an amenity area has only two or three of its sides "completely within" the proposed parking area does not destroy or alter the functional purpose of providing open areas to break-up areas of paving.

76. The fact that the bay ends and bay dividers adjoin required buffer and setback areas does not reduce the effectiveness of these areas in providing previous land area in association with plantings.

77. Mr. Gavrelis testified that without a variance from a strict application of BCZR 204.4.C.6 (if such is determined by the Special Hearing to be needed) the subject site could not be used for a permitted purpose, and that the result would be unreasonably burdensome on Petitioner.

11

78. From Mr. Gavrelis' uncontradicted, expert opinion, the requested relief is completely within the spirit and intent of the BCZR, especially the R-O regulations thereof.

Legal Standard for Variance

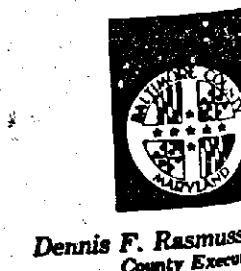
79. Mr. Gavrelis, after listening to the testimony of both Dr. Youssef and Mr. Sovich, opined that the variances requested can be granted within the spirit and intent of the BCZR; that no detriment to the public health, safety or welfare would result; that strict compliance with the BCZR would prevent use of the subject property for an otherwise permitted purpose; that the relief requested is the minimum relief necessary to do substantial justice to the Petitioner and other area property owners; and that the relief requested is appropriate to the specific circumstances of the site and the convenience, safety and amenity of the neighborhood.

12

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

February 2, 1990

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Suite 113, 305 W. Chesapeake Avenue
Towson, MD 21204



RE: Item No. 188, Case No. 90-328-SPHA
Petitioner: Youssef A. Youssef
Petition for Zoning Variance

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

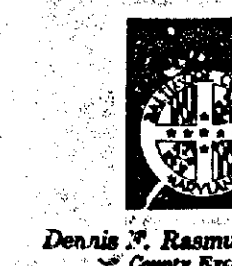
J. Robert Haines
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Youssef A. Youssef, MD
17 Fontana Lane, Suite 105
Baltimore, MD 21237

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this
19th day of December, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Youssef A. Youssef

Petitioner's Attorney: Howard L. Alderman

Mon. Feb 26

RECEIVED
FEB 22 1990

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: February 16, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Youssef-Ridge Road Medical Office, Items 187 and 188

INTRODUCTION

The Petitioner has submitted two alternative site plans. Alternative "A" and "B" consists of one Class B office building; Alternative "B" consists of three Class B office buildings. A breakdown of the two alternatives is as follows:

Alternative Zoning	Height	Sq. Ft. Required	Parking Provided 7% A.O.S. F.A.R.	
			210	13%
A	R.O. 3 stories	46,625	210	.33
B	1 R.O. 3 stories	15,000	-	.33
	2 R.O. 3 stories	15,000	-	.29
	3 R.O. 3 stories	15,000	-	.29
TOTAL		45,000	203	.74

In accordance with Bill 151-88, all development is required to receive CRG approval prior to review by the Zoning Commissioner (203.5 B.C.Z.R.), for special exception (203.3.B B.C.Z.R.). Alternative "A" and "B" received CRG approval on October 13, 1989.

The alternatives presented require special exceptions and variances for the following items:

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Youssef-Ridge Road Medical Office
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February 16, 1990

	No. 187 - 1 building	No. 188 - 3 buildings
Special Hearing	1 bldg; 1 lot (3.29 ac.)	3 bldgs; 3 lots greater than acre each
Special Exception	Class B	Class B
Variances:		
Height	40' from 35'	40' from 35'
Sign	151 sq. ft. from 81 sq. ft. per side	151 sq. ft. from 81 sq. ft. per side
Use	100% medical vs. 25% medical	100% medical vs. 25% medical
Buffer	10' from 20' buffer along residential street	10' from 20' buffer along residential street
Lot Size	-	3 lots greater than one acre each

In evaluating these requests, staff provides two levels of analysis. The first level of analysis deals with the selection of a preferred alternative (A vs. B) for the site. The second level of analysis deals with the appropriateness of this location for this particular use and subsequent site impacts from development.

ANALYSIS OF ALTERNATIVES

Bill 151-88 significantly revised the R.O. zone to create a transitional zone. Some of the significant features of this zone include the following:

- Class B buildings are special exceptions, and may not contain more than 25% medical office space
- 100% of the floor area may be dedicated to medical office use if the F.A.R. is reduced to .2
- F.A.R. is .33
- Maximum height of buildings 35 ft.

Youssef-Ridge Road Medical Office
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- 7% of the interior of the parking lot must be landscaped
- 20 ft. buffer must be provided along all residentially zoned/used property

The restructuring of the R.O. zone underwent thorough and comprehensive revision, and to the greatest extent possible, the R.O. zone should be followed. Although the Petitioner's parcel was zoned prior to the revision of the R.O. zone, the Petitioner is able to meet the basic tenants of the zone by providing three smaller buildings on individual lots.

In evaluating the two alternatives, Alternative B, which provides three buildings on three smaller lots with a series of parking areas, comes the closest to meeting the spirit, intent, and regulatory requirements of the R.O. zone. Single, large scale office buildings located on large lots were the types of buildings which Bill 151-88 was expressly written to eliminate. In addition, the restructuring of the R.O. zone to become a transition type zone expressly discourages large single buildings on individual lots in order to reduce the probability of future change in the character of the surrounding area. The single large office building concept is more appropriate for the O1, O2, or O.T. zones and not the R.O. zone. In reference to the alternatives presented, staff recommends the following:

1. Staff recommends that Alternative A (#187) be denied by the Zoning Commissioner because the proposed use does not meet the spirit or intent, or actual regulations outlined in the R.O. zone.
2. Staff recommends that Alternative B (#188) be considered by the Zoning Commissioner.

ANALYSIS OF ALTERNATIVE B:

Surrounding Area: The general area in which this parcel is located includes Franklin Square Hospital and Essex Community College. The parcel has frontage on a service road (Ridge Road) which parallels Rossville Boulevard. The area is located between Rossville Boulevard, I-695 and Trumps Mill Road. This general area was zoned D.R. 5.5 up to 1988, and was rezoned to D.R. 3.5 during the 1988 comprehensive zoning map process. The effect of the rezoning was to reduce density and ultimately the types of housing units that could be constructed. Under current regulations, any type of housing can be constructed in a D.R. zone and density can be shifted within a parcel to be developed. The rezoning of the surrounding area from D.R. 5.5 to D.R. 3.5 has placed an additional burden of review on this

Youssef-Ridge Road Medical Office
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Page 4
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site for architectural appropriateness. In evaluating the appropriateness of the proposed use at this particular site, because the area is largely undeveloped, one has to look not only at the existing community, but also at the probable future development of the area. The appropriateness of the development must anticipate future residential development.

SITE DESIGN: The overall site layout is well conceived and executed. The use and location of landscape islands and peninsulas to achieve the 7% interior landscaping have been placed to define travel ways and parking bays. The location of the three buildings to complement one another is excellent. The separation of buildings to comply with the regulations (B.C.Z.R.) that would affect the height of the design. In addition, the appropriateness of the structures proposed at this particular location must be also analyzed. The use of flat roofs for this height variance, at this particular location, versus pitched roofs raises concern with staff.

ARCHITECTURAL DESIGN: The building design (height, materials, form, scale and character for the special exception) as proposed require a variance to the height of the structures. Any variances to the regulations (B.C.Z.R.) that would affect the height of the design. In addition, the appropriateness of the structures proposed at this particular location must be also analyzed. The use of flat roofs for this height variance, at this particular location, versus pitched roofs raises concern with staff.

Single-family townhouses, and now, most garden complexes are using pitched roofs. The architectural style and massing of the Petitioner's project are representative of larger 0-1, 0-2, or 0-3 pitched roofs. The architectural style proposed by the Petitioner family or townhouse development of most garden apartment styles used today. The use of darker-colored exterior materials to reduce the visual mass of the structures is also recommended for this particular location.

BUILDING USE:

The 100% medical office use proposed is appropriate for this use at this location due to the following factors and conditions that are present at this location.

1. The absence of an existing community. The area immediately surrounding this project contains a church, small office and

Yousseff-Ridge Road Medical Office
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- a few single-family homes. The area is largely vacant and undeveloped.
2. Direct access to a major collector. The project has access to a major collector (Rossville Boulevard) which eliminates traffic passing through any existing or possible future development.
 3. Proximity to a major medical institution. The Petitioner's project is located near the Franklin Square Hospital complex. The proximity of medical offices and related uses is important in sustaining the overall viability of the medical services of the area.
 4. Parking Impact. Because the Petitioner's project does not have access into or through an adjoining residential community, either existing or possible future community, the issue of overflow parking impact will not be a problem. The Petitioner is providing adequate parking on site to accommodate their needs and demand.

Based upon the analysis conducted (including site visit) and information provided, staff recommends APPROVAL of Case No. 188 (Alternative B) subject to the following conditions.

- 1.) The variances and special exception should be approved for the site design Alternative B as specifically shown on Alternative B, Ridge Road Medical Office Building, Plan and Plat to Accompany Zoning Petition, Sheet 2 of 4 dated December 6, 1989.
- 2.) The variances for height requested and special exception as displayed by the architectural elevations are not appropriate for this use at this location. The Petitioner should resubmit architectural elevations incorporating a pitched roof and a dark brick or color exterior. Petitioner's exhibit Alternative B, Ridge Road Medical Building, Plan and Plat to Accompany Zoning Petition, Sheet 3 of 4 dated December 6, 1989, should be revised prior to approval by the Zoning Commissioner.
- 3.) A Final Landscape Plan shall be reviewed and approved by the County Landscape Planner within one month of approval. It shall be noted that landscaping may exceed the requirements outlined in the Baltimore County Landscape Manual.

Yousseff-Ridge Road Medical Office
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If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(301) 887-3554

January 11, 1990



J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

Please see the C.R.G. comments for items number 187 and 188.

Very truly yours,

Michael S. Planigan
Michael S. Planigan,
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
JAN 23 1990

ZONING OFFICE

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reinde
Chief

DECEMBER 19, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: YOUSSEF A. YOUSSEF, M.D.
Location: W/S OF ROSSVILLE BOULEVARD
Item No.: 188
Zoning Agenda: DECEMBER 19, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Buildings on lot "A" and Lot "B" have poor access for fire apparatus. If fully sprinklered, building setback from clear paved driveway areas shall be no more than 30 feet for 25% of perimeter of building.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *John K. Miller*
Planning Group
Special Inspection Division

Noted and Approved
Paul H. Reinde
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

12/15/89
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 187, Zoning Advisory Committee Meeting of December 19, 1989

Property Owner: *Youssef A. Youssef, M.D.*

Location: *W/S Rossville Blvd, 130' NW corner of Franklin Sq. Dr. District: 14*

Water Supply: *metro* Sewage Disposal: *metro*

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for new existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____, conducted.
() The results are valid until _____.
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a hydrogeological study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others: *Existing sewage disposal systems must be properly backfilled or pumped. Water wells must be properly backfilled by a licensed well driller and well abandonment reports submitted to this office.*

W.C. Miller
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 19, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for December 19, 1989

The Developers Engineering Division has reviewed the submitted zoning items and we have no comments for Items 501, 185, 186, 189 and 190.

For Items 184, 187 and 188 the CRG comments remain valid.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

DEC 27 1989

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELEPHONE 301-625-9050

HOWARD L. ALDERMAN, JR.

August 23, 1990

HAND-DELIVERED

Ann M. Nastarowicz, Esquire
Deputy Zoning Commissioner
Baltimore County Office of Planning
and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Ridge Road Medical Complex
Case No.: 90-327-SPH & 90-328-SPHXA
Zoning Case Relationship to Approved CRG

Dear Commissioner Nastarowicz:

You will recall that on April 16, 1990, you issued Orders in the above-referenced zoning cases, copies of which are enclosed herewith for your ready reference. I have spoken recently with Carl Richards of your office regarding the relationship of your Order in Case No. 90-328-SPHXA and the CRG approval of "Alternate B", which proposed subdivision of the parcel with a separate building on each parcel.

Among the other relief sought by the Petitioner was a variance from the R-O maximum lot size of 1.0 acre to permit three separate lots in excess of that maximum and approval, by way of Special Exception, for a Class B office building on each of the three proposed parcels.

The issue of separate ownership of each of the proposed lots was addressed at the CRG stage and the Petitioner was advised that cross easements for access and parking among the proposed lots would be required. (See page 3 of your Order in Case No. 90-328-SPHXA).

Separate legal descriptions for the proposed three lots were not prepared by Dr. Youssef's engineers due to the fact that the issue of R-O zoned lots in excess of 1.0 acre had never been decided by your office. Obviously, the Petitions for Special Exception, Variance and Special Hearing submitted are clear that separate parcels were to be created, if the requested zoning relief was granted, and that a Class B office building was to be constructed on each of the proposed lots.

RECEIVED
AUG 24 1990

ZONING OFFICE

LEVIN & GANN, P.A.

Ann M. Nastarowicz, Esquire
August 23, 1990

Dr. Youssef intends, as he testified at the hearing, to occupy a portion of one of the proposed buildings with his offices. In addition, the intent expressed was to be able to sell one or both of the other buildings to other physicians, thus the need for the above-described cross-easements.

We would ask that you review the enclosed materials and any other portions of the file which you deem necessary and find that the individual owner, three lot concept proposed at all levels is consistent with the zoning relief granted. Should you need any additional information or materials, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLA/dc

Enclosures

cc: Dr. Youssef A. Youssef
Gordon D. Fronk, Esquire
Mr. George Gavzalis
Debra Bailey, R.C.A.
Carl Richards, Zoning Coordinator

RECEIVED AUG 24 1990